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Mayor

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James Freas  
Acting Director


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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: October 13, 2015  
Land Use Action Date: November 3, 2015  
Board of Aldermen Action Date: November 16, 2015  
90-Day Expiration Date: January 4, 2016

DATE: October 9, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Stephen Pantalone, Senior Planner 

SUBJECT: **Petition #193-15**, ALEXANDER PESELMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to widen an existing breezeway, enclose a deck above the adjacent sunroom, and to enlarge an existing mudroom, which will increase the Floor Area Ratio from .46 to .48, where .33 is the maximum allowed by right, at 5 GREEN PARK, Newton, Ward 7, on land known as SBL 73, 11, 3, containing approximately 14,665 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012..

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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.



**5 Green Park**

## EXECUTIVE SUMMARY

The property at 5 Green Park consists of 14,665 square feet of land, improved with a single-family dwelling constructed in 1948 and a connected pool house constructed in 1983. The petitioner is proposing to widen the breezeway to the pool house, to enclose a deck above the sunroom, and to enlarge the mudroom. The proposed additions will increase the already nonconforming Floor Area Ratio (FAR) of the structure by approximately 307 square feet from .46 to .48 where .33 is the maximum allowed by right. The petitioner is seeking a special permit to extend the nonconforming FAR.

The Planning Department has no concerns regarding the proposed project. The proposed additions will not significantly impact the bulk and mass of the structure, and will be minimally visible from the public way. The Planning Department does not believe that any additional screening is required for this project, as there is a sight obscuring fence and vegetation around portions of the property lines.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

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

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The site is located at the corner of Park Avenue and Green Park. The land uses in the surrounding neighborhood include single-family and multi-family dwellings (**ATTACHMENT A**). The zoning districts in the surrounding neighborhood consist of Single Residence 1 and Single Residence 2 districts (**ATTACHMENT B**).

#### B. Site

The site consists of 14,665 square feet of land, improved with a 2½-story, single-family dwelling constructed in 1948 and a pool house that is connected to the main house by an enclosed breezeway constructed in 1983. There is an attached

two-car garage that faces Green Park and a sight-obscuring fence that extends out from the pool house and wraps around a portion of the rear of the lot. The pool house is located to the west of the main house and is visible from Park Avenue. There are trees, shrubs and a short retaining wall along portions of the property lines.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The land use will remain a single-family dwelling.

#### B. Building and Site Design

The petitioner is proposing to widen the existing breezeway by approximately five feet on both sides, enclose the second story porch facing the pool house, and expand the mudroom by approximately 50 square feet.

The scope of the project will not significantly increase the bulk and mass of the existing structure, and the Planning Department believes that the proposed design is appropriate. The Planning Department has no concerns with this project.

#### C. Landscape Screening

The Planning Department does not believe that additional landscape screening is required for this project.

### IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to zoning. The petitioner is seeking the following reliefs:

- §30-15(u)(2) and §30-21(b), to extend the nonconforming FAR.

#### B. Engineering Review

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

### V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.




**ATTACHMENTS:**

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

# Land Use Map 5 Green Park

City of Newton,  
Massachusetts

### Legend

-  Single Family Residential
-  Multi-Family Residential
-  Vacant Land

**ATTACHMENT A**

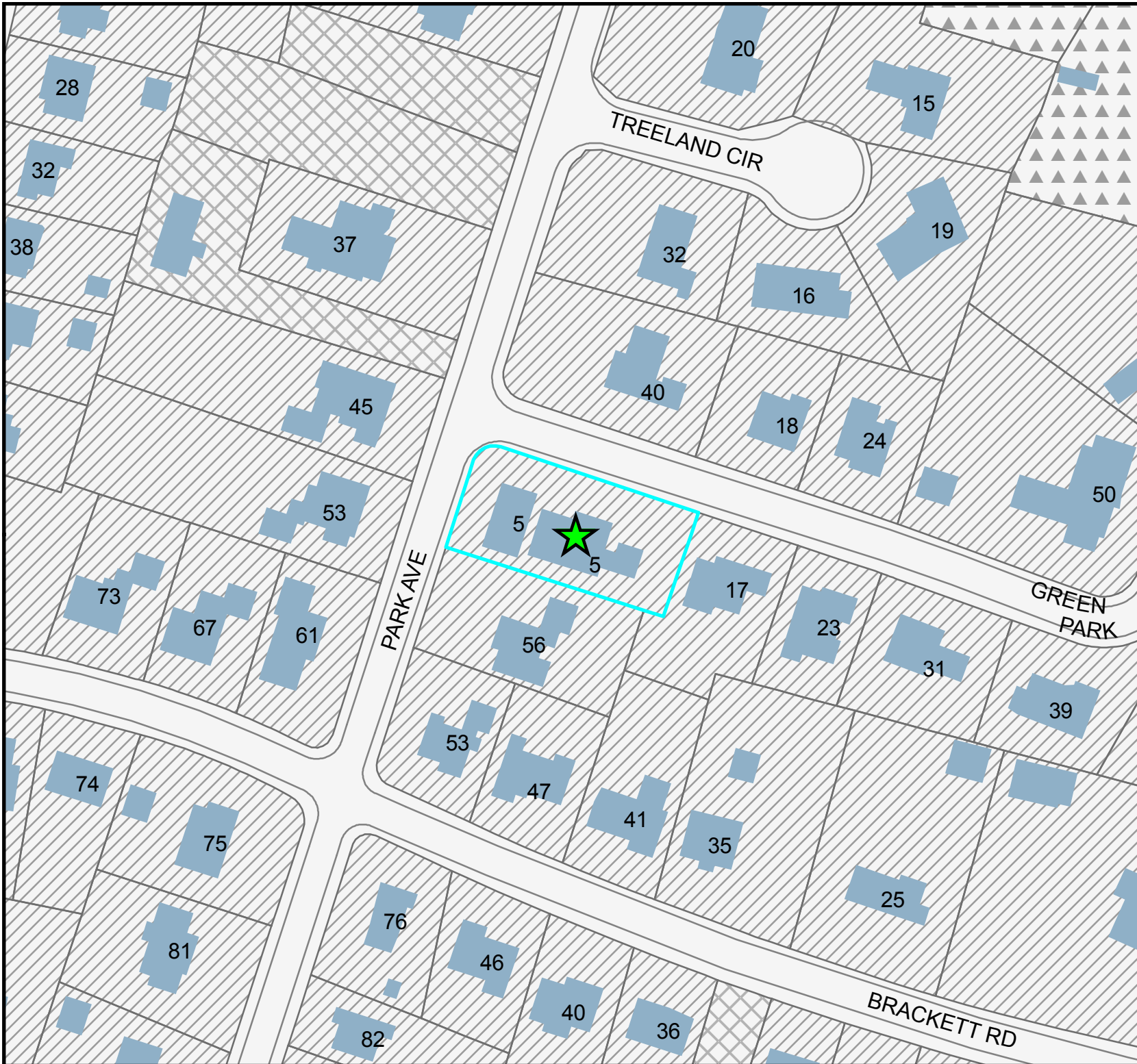


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.5 25 50 75 100 125  
Feet



Map Date: September 17, 2015



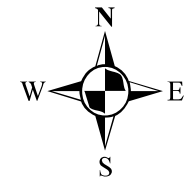
# Zoning Map 5 Green Park

*City of Newton,  
Massachusetts*

**Legend**

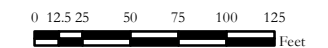
-  Single Residence 1
-  Single Residence 2

**ATTACHMENT B**

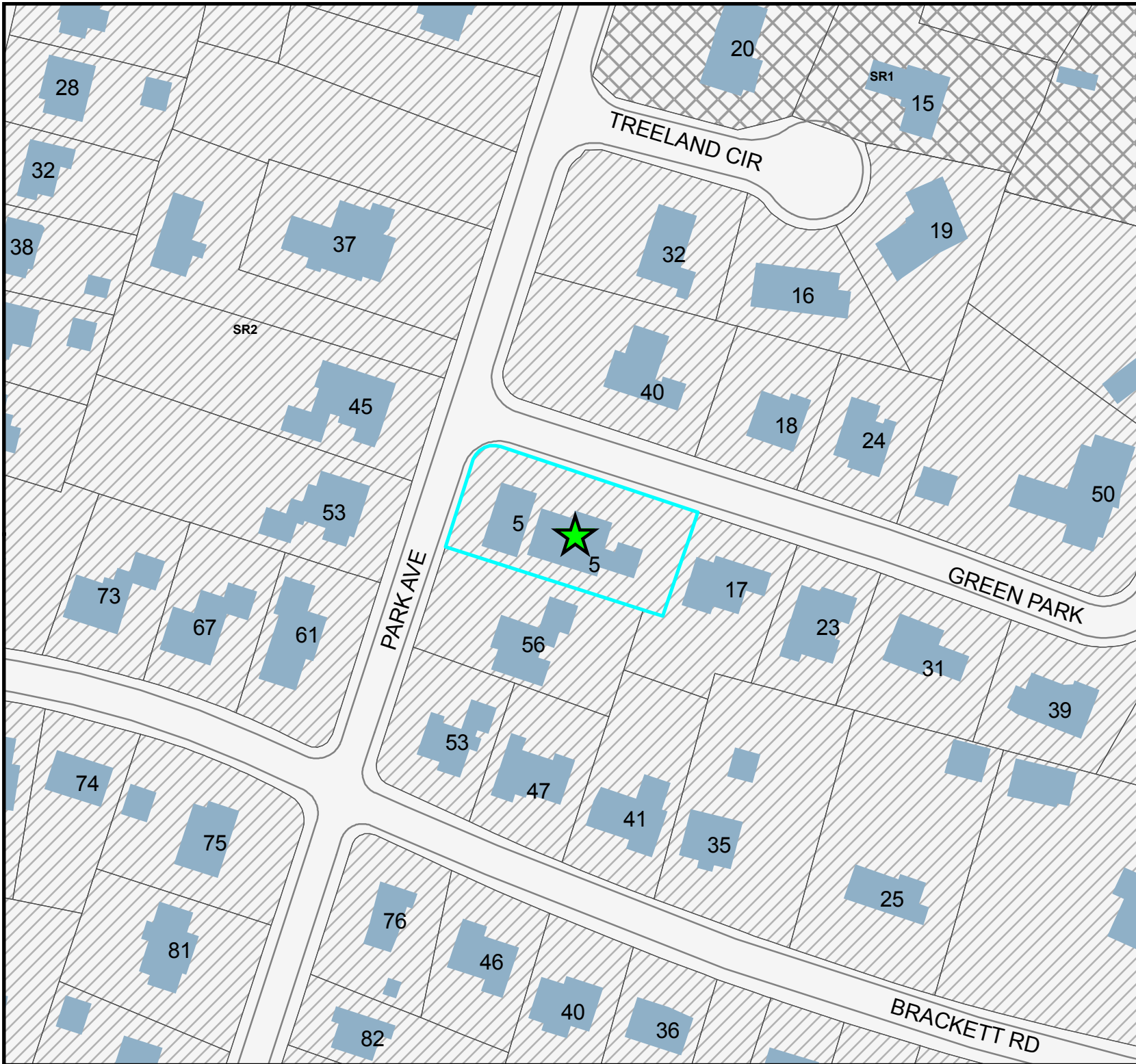


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# ATTACHMENT C

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## City of Newton, Massachusetts Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

James Freas  
Acting Director

### ZONING REVIEW MEMORANDUM

Date: August 18, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alex Peselman, applicant  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to extend nonconforming FAR

Applicant: Alex Peselman	
Site: 5 Green Park	SBL: 73011 0003
Zoning: SR-2	Lot Area: 14,665 square feet
Current use: Single-family dwelling	Proposed use: No change

#### BACKGROUND:

The property at 5 Green Park consists of a 14,665 square foot lot on the corner of Green Park and Park Ave. It is improved with a single-family residence constructed in 1948, with a 1983 addition housing an indoor pool. The pool addition is accessed by a breezeway from a sunroom. The applicant would like to widen the breezeway to the width of the sunroom, to enclose a deck above the sunroom to be used as a closet, and to enlarge an existing mudroom. These additions further increase the already nonconforming FAR.

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

- Zoning Review Application, prepared by Alex Peselman, applicant, submitted 6/30/2015
- FAR Worksheet
- Existing Plans, prepared by RAV & Associates, dated 3/29/2015
- Proposed Alterations to Existing Plans, prepared by RAV & Associates, dated 6/25/2015

**ADMINISTRATIVE DETERMINATIONS:**

1. When the pool addition was built in 1983, the lot line opposite Green Park was treated as the side lot. The rear lot, for the purposes of determining required setbacks, is that which is opposite Park Ave.
2. The applicants' existing nonconforming FAR is .46, where .33 is the maximum allowed. The proposed addition results in an FAR of .48. A special permit pursuant to Sections 30-15(u)(2) and 30-21(b) is required.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	14,665 square feet	No change
Frontage	80 feet	160 feet	No change
Setbacks <ul style="list-style-type: none"> <li>• Front (Green Park)</li> <li>• Front (Park Ave)</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 25 feet 7.5 feet 15 feet	25.67 feet 25.67 feet 13.9 feet 26.5 feet	No change No change No change No change
Building Height	36	32 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.33	<b>.46</b>	<b>.48</b>
Max Lot Coverage	30%	NA	27%
Min. Open Space	50%	NA	68%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15(u)(2) 30-21(b)	To extend nonconforming FAR	S.P. per §30-24