



#181-18

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City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	April 10, 2018
Land Use Action Date:	June 26, 2018
City Council Action Date:	July 2, 2018
90-Day Expiration Date:	July 9, 2018

DATE: April 6, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #181-18**, for SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the nonconforming floor area ratio (FAR) from .51 to .53, where .36 is the maximum allowed, **at 64 Green Park**, Ward 7, Newton Corner, on land known as SBL 73, 08, 17, containing approximately 12, 100 sq. ft. of land in a district zoned Single Residence 2. Ref. §3.1.9, §7.4, and §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.



64 Green Park

EXECUTIVE SUMMARY

The property located at 64 Green Park consists of a 12, 100 square foot lot in the Single Residence 2 (SR-2) zone in Newton Corner. The lot is improved with a Colonial Revival single-family residence constructed circa 1947. The topography of the lot slopes down from the front of the lot to the rear, exposing enough of the basement for it to be counted as a story and contribute entirely to the floor area ratio (FAR). As such, the dwelling is legal nonconforming regarding FAR and number of stories. The petitioners are seeking to raze an existing enclosed porch at the basement and first floor to construct a two-story addition. The proposed addition further increases the nonconforming FAR, requiring a special permit. If the petition is approved, the addition will add 242 square feet to the dwelling for a total of 1,992 square feet above the allowable FAR.

The Planning Department is unconcerned with the proposed addition. The addition will replace an existing enclosed porch and will remain in compliance with the dimensional standards of an old lot in the SR-2 zone.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in the nonconforming FAR will be substantially more detrimental than the existing nonconforming FAR is to the neighborhood (§3.1.3, §3.1.9 and §7.8.2.C.2).
- The proposed structure with a floor area ratio (FAR) of 0.53 where 0.36 is allowed by right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

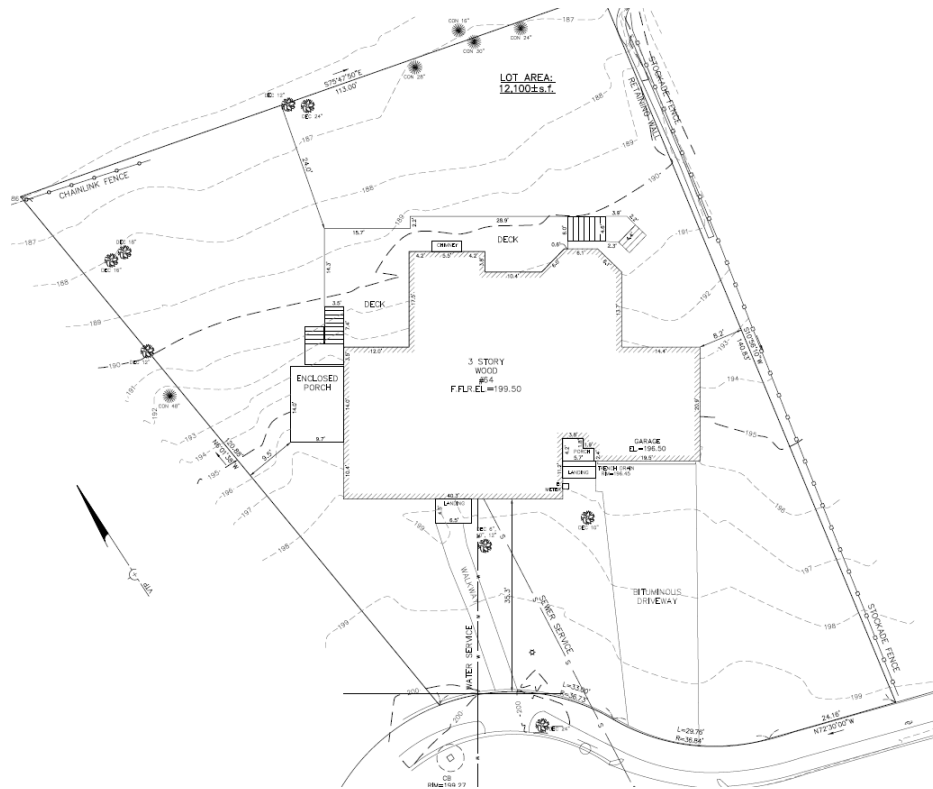
A. Neighborhood and Zoning

The subject property is located on Green Park in the SR-2 zone in Newton Corner. The property is one in a line of parcels demarcating the Single Residence 2 zone from the Single Residence 1 zone to the north. Due to these districts, the area is almost entirely residential except for some nonprofit uses to the north and northeast (**Attachments A & B**).

B. Site

The site consists of 12,100 square feet of land, improved with a single-family residence constructed circa 1947; the dwelling is an example of Colonial Revival architecture. There is an approximately 20-foot wide curb cut at the southeast

corner of the site providing access to a 40-foot long driveway and a two-car garage. Portions of the rear and eastern boundaries contain mature landscaping. The grade of the lot decreases by approximately 12 feet from the front of the lot to the rear. A large deck at the rear of the dwelling allows for some outdoor space, due to the grade.



Existing Site Plan

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building and Site Design

The petitioners are proposing to raze the existing two-story enclosed porch at the eastern side of the dwelling to construct a two-story addition in the same location. The proposed addition will be taller than the existing porch but does not affect the principal height of the dwelling. Additionally, the roof pitch will be increased to match the slope of the principal roofline. The addition will be treated with windows, columns, and siding

to be compatible with the front façade. The setback will be decreased from 9.5 feet to 8.1 feet, but still above the minimum allowed of 7.5 feet. The petitioners are also proposing to create a more prominent front entrance by installing two columns, which is as of right. The property will comply with the remaining dimensional standards of an old lot in the SR-2 zone.



Proposed Front Elevation

C. Parking and Circulation

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

D. Landscape Screening

A landscape plan is not required with this petition.

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 C**). Based on the Memorandum, the petitioner is seeking the following relief:

- §3.1.9 and §7.8.2.C.2 of Section 30, to further increase the nonconforming FAR

B. Engineering Review

Engineering review is not 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 should this petition be approved.

C. Newton Historical Commission

The Chief Preservation Planner approved the addition on December 18, 2017.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.






ATTACHMENTS:

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

Attachment A Zoning Map Green Pk., 64

*City of Newton,
Massachusetts*

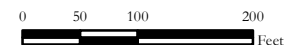
Legend

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



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 - Ruthanne Fuller



Map Date: April 02, 2018











Attachment B Land Use Map Green Pk., 64

*City of Newton,
Massachusetts*

Legend

Land Use

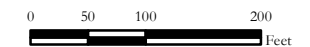
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Nonprofit Organizations
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries

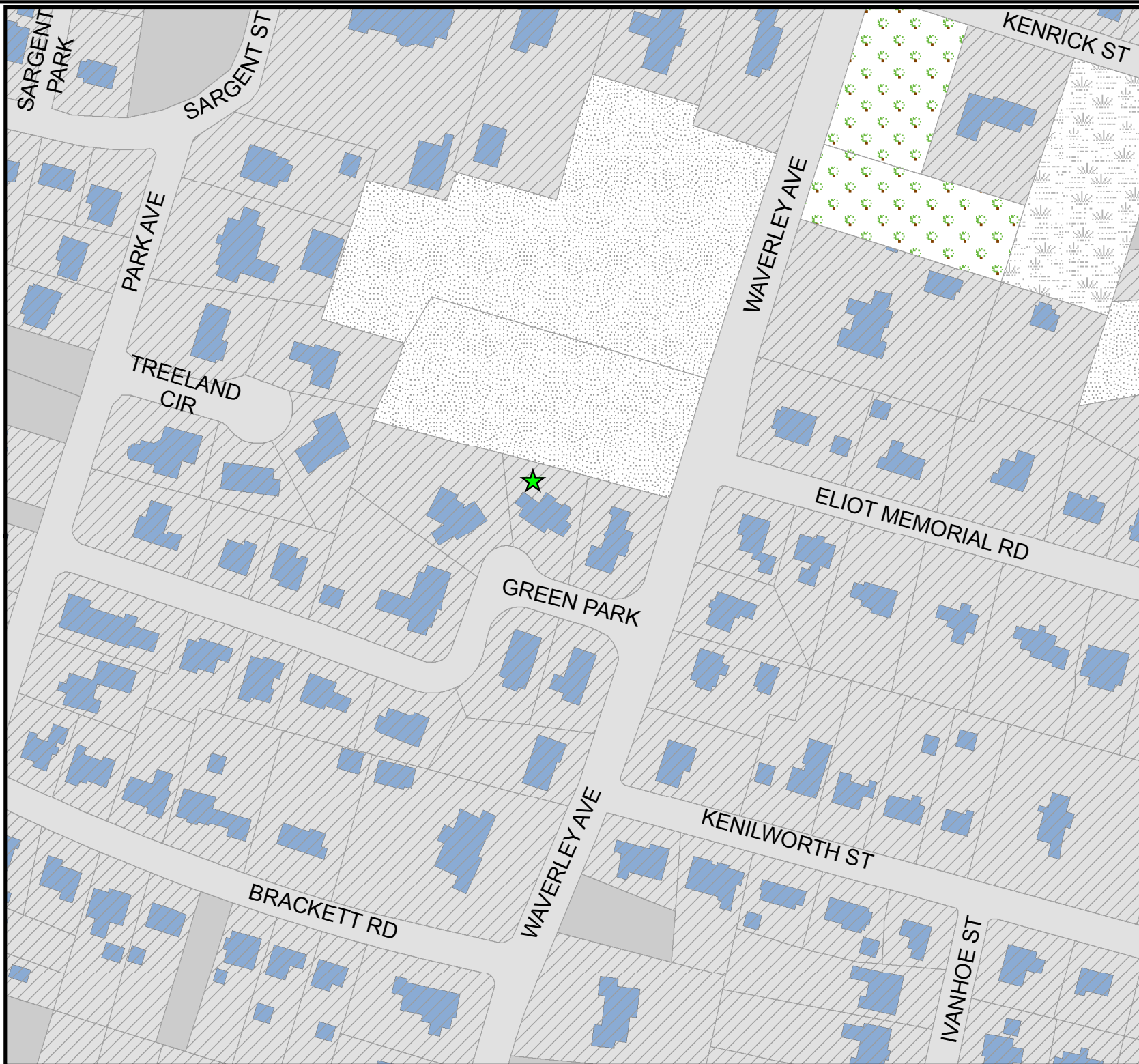


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



Map Date: April 02, 2018





Ruthanne Fuller
Mayor

Attachment C

City of Newton, Massachusetts
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 5, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Peter Sachs, Architect
Philip Krapchev and Kimberly Clark, Applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to further increase nonconforming FAR

Applicant: Philip Krapchev and Kimberly Clark	
Site: 64 Green Park	SBL: 73008 0017
Zoning: SR2	Lot Area: 12,100 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 64 Green Park consists of a 12,100 square foot lot improved with a single-family residence constructed in 1947. The property is sloped downwards from front to back, exposing enough of the basement level to render it the first story. As such, the entire basement level counts toward FAR. The petitioners propose to remove an existing enclosed porch at the basement and first levels, and construct a two-story addition to the side of the dwelling, adding to the first and second levels (basement and first floor), which will further increase the nonconforming FAR, requiring a special permit.

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

- Zoning Review Application, prepared Peter Sachs, Architect, dated 1/19/2018
- FAR Worksheet, submitted 1/19/2018
- Topographic Site Plan – Existing Conditions, prepared by VTP, surveyors, dated 12/14/2017
- Topographic Site Plan – Proposed Conditions, prepared by VTP, surveyors, dated 12/14/2017
- Architectural Plans, prepared by Peter Sachs, architect, dated 1/8/2018

ADMINISTRATIVE DETERMINATIONS:

1. The applicants’ existing FAR is .51, where .36 is the maximum allowed. The proposed addition adds 242 square feet to the dwelling, resulting in an FAR of .53. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	12,100 square feet	No change
Frontage	80 feet	90 feet	No change
Setbacks			
• Front	25 feet	35.3 feet	29.6 feet
• Side	7.5 feet	8.2 feet	8.1 feet
• Rear	15 feet	24 feet	No change
Max Number of Stories	2.5	3.5	No change
FAR	.36	.51	.53
Max Lot Coverage	30%	20%	21.2%
Min. Open Space	50%	69%	67.5%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9, §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City 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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the nonconforming floor area ratio from .51 to .53, where .36 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed increase in the nonconforming floor area ratio is not substantially more detrimental than the existing floor area ratio is to the neighborhood and the structure will be consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood because the addition will replace an existing enclosed porch and be compatible with the architecture of the dwelling (§3.1.9 and §7.8.2.C.2).

PETITION NUMBER: #181-18

PETITIONER: Phillip Krapchev and Kimberley Clark

LOCATION: 64 Green Park, on land known as Section 73, Block 08, Lot 17, containing approximately 12, 100 square feet of land

OWNER: Phillip Krapchev and Kimberley Clark

ADDRESS OF OWNER: 64 Green Park
Newton, MA 02458

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9, §7.4, and §7.8.2.C.2 to increase the nonconforming floor area ratio

ZONING: Single Residence 2 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, Prepared by VTP Associates, unsigned and unstamped, dated December 14, 2017
 - b. Architectural Plans, entitled "Krapchev/Clark Residence 64 Green Park, Newton, MA", Prepared by Peter Sachs Architect, unsigned and unstamped, consisting of eighteen (18) sheets:
 - i. A-1 Title Sheet
 - ii. A-2 Proposed Basement Plan, dated January 8, 2018
 - iii. A-3 Proposed First Floor Plan, dated January 8, 2018
 - iv. A-4 Proposed Second Floor Plan, dated January 8, 2018
 - v. A-5 Proposed Attic/Roof Plan, dated January 8, 2018
 - vi. A-6 Proposed Front Elevation, dated January 8, 2018
 - vii. A-7 Proposed Left Elevation, dated January 8, 2018
 - viii. A-8 Proposed Back Elevation, dated January 8, 2018
 - ix. A-9 Proposed Section 1, dated January 8, 2018
 - x. A-10 Proposed Section 2, dated January 8, 2018
 - xi. EX-2 Existing Basement Plan, dated November 15, 2017
 - EX-3 Existing First Floor Plan, dated November 15, 2017
 - xii. EX-4 Existing Second Floor Plan, dated November 15, 2017
 - xiii. EX-5 Existing Attic/Roof Plan, dated November 15, 2017
 - xiv. EX-6 Existing Front Elevation, dated November 15, 2017
 - xv. EX-7 Existing Left Elevation, dated November 15, 2017
 - xvi. EX-8 Existing Back Elevation, dated November 15, 2017
 - xvii. EX-9 Existing Section 1, dated November 15, 2017
 - xviii. EX-10 Existing Section 2, dated November 15, 2017
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:

- a. Recorded a certified copy of this board 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 board 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.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or land surveyor certifying compliance with Condition #1 as well as the as-built floor area ratio of the structure.
 - 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 professional land surveyor.