



#69-19

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City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: March 5, 2019
Land Use Action Date: May 14, 2019
City Council Action Date: May 21, 2019
90-Day Expiration Date: June 3, 2019

DATE: March 1, 2019

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Katie Whewell, Planning Associate

SUBJECT: **Petition #69-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing stair and landing at the rear of the structure and construct a new, larger deck and stairs, further extending the existing non-conforming side setback at 110 Greenlawn Avenue, Ward 6, Newton Centre, on land known as Section 64 Block 13 Lot 05, containing approximately 7,475 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Sec. 7.3.3, 7.4, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2017.

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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



110 Greenlawn Avenue

EXECUTIVE SUMMARY

The property located at 110 Greenlawn Avenue contains a 7,475 square foot lot in the Single Residence 2 (SR-2) zone in Newton Centre. The lot is improved with a single-family residence constructed circa 1925 and a detached garage. The petitioners are seeking to raze an existing landing and stairs at the rear of the dwelling and construct a larger deck and stairs at the rear of the dwelling for easier and safer access.

As designed, the proposed deck replaces a damaged concrete landing. Many of the homes on Greenlawn Avenue have similar decks to the proposed deck, and the proposed deck and patio will not be visible from the street. Due to this, the Planning Department is unconcerned with the request to further extend the existing non-conforming side setback.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The proposed deck that would further extend a nonconforming side setback is not substantially more detrimental than the existing nonconforming deck is to the neighborhood. (§3.1.3 and §7.8.2.C.2)

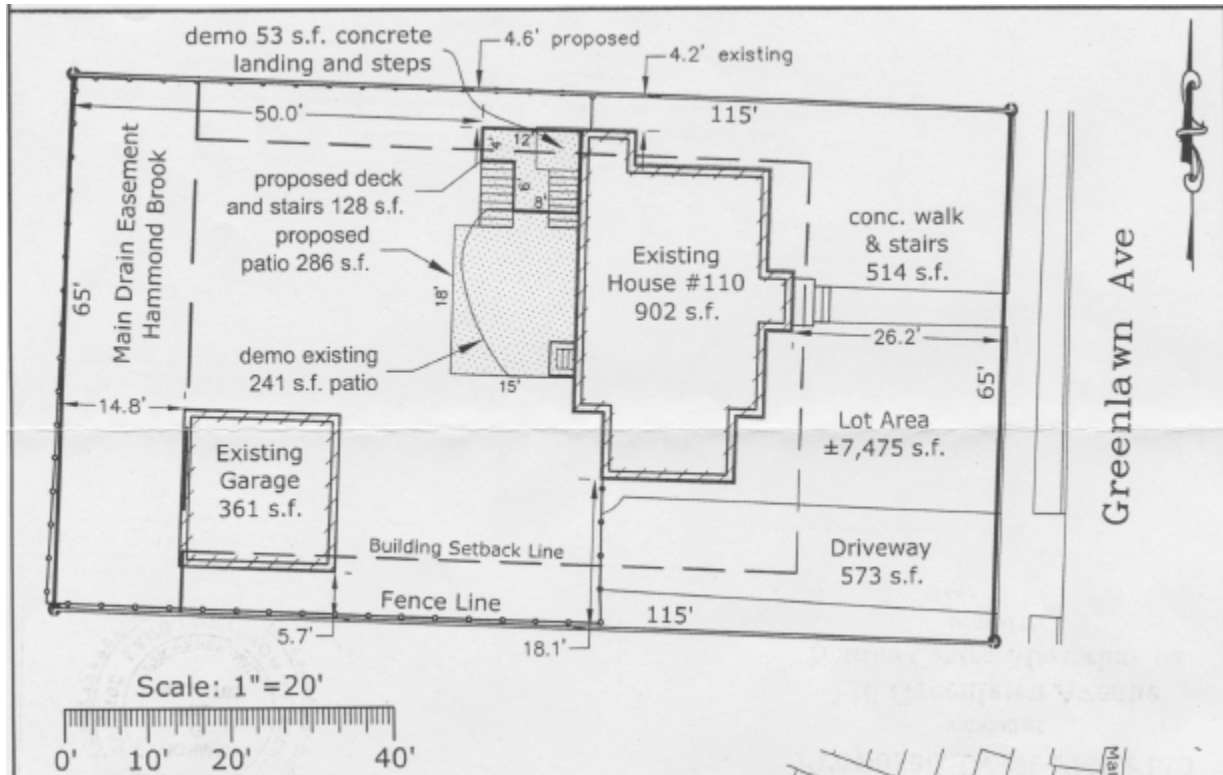
II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Greenlawn Ave., off Homer Street in the SR-2 zone in Newton Centre. The SR-2 zone encompasses the surrounding area and neighborhoods (**Attachment A**). The land use of the properties in the neighborhood are all single family residential, with the exception of 113 Greenlawn Ave, which is a commercial use (**Attachment B**). There are many homes on Greenlawn Avenue that have back decks that can be seen from Greenlawn Avenue.

B. Site

The site consists of 7,475 square feet of land and is improved with a 2 story, single-family, Colonial style dwelling. The lot is served by one curb cut providing access to a 573 sq. ft driveway that leads to fence around the perimeter of the backyard. There is an existing garage to the rear of the site. There is a slight downward slope from the front to the rear of the lot. There is little landscaping on the backyard, three trees total.



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building Design

There are no changes proposed to the main structure/dwelling.

C. Site Design

The petitioners are seeking to raze an existing patio and concrete stairs totaling 294 square feet and construct a larger deck and stairs totaling 414 square feet. The existing concrete patio has some structural damage at the base of the structure. The proposed deck will alter the nonconforming side setback from 4.2 feet to 4.6 feet where 7.5 feet is required. The main dwelling maintains an existing 4.2-foot side setback.

The Planning Department is unconcerned with the proposed deck that further extends the nonconforming side setback. The proposed deck is replacing a damaged concrete landing, will not be visible from the street and there are several other back decks on Greenlawn Avenue.

D. Parking and Circulation

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

E. Landscaping

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 regarding zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.1.3 and §7.8.2.C.2 of Section 30, to further extend a nonconforming side setback

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

This petition does not meet the minimum threshold for Newton Historical Commission review.

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 Council Order

ATTACHMENT A

Zoning

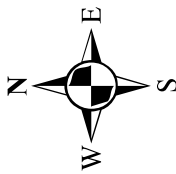
110 Greenlawn Ave.

City of Newton,
Massachusetts

Legend



Single Residence 2

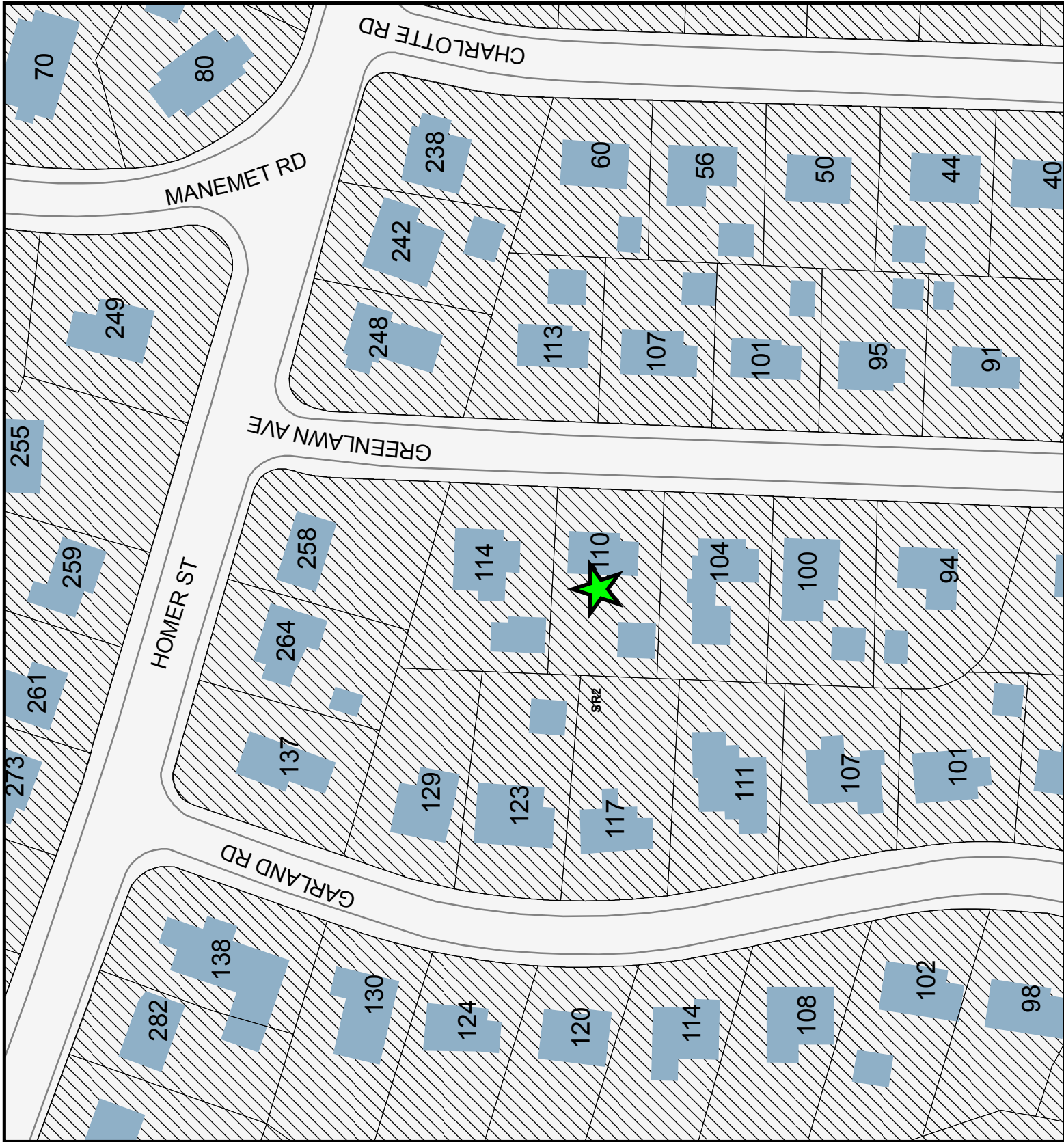


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: February 15, 2019



ATTACHMENT B

Land Use

110 Greenlawn Ave.

City of Newton,
Massachusetts

Legend

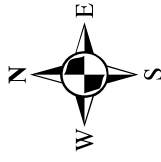
Land Use



Single Family Residential



Commercial

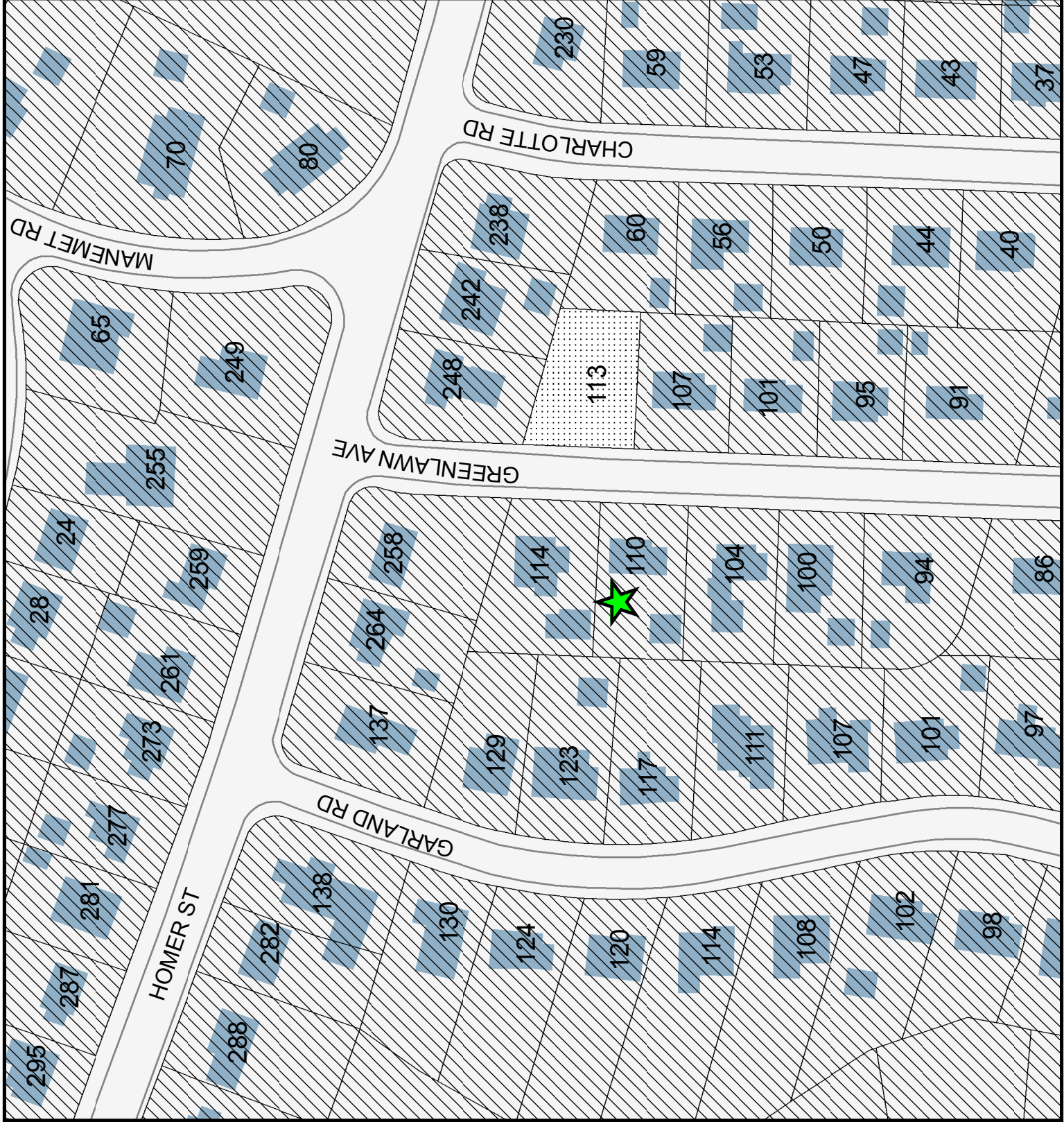


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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 22, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Eric and Pheobe Belsley, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to further extend a nonconforming side setback**

Applicant: Eric and Pheobe Belsley	
Site: 110 Greenlawn Avenue	SBL: 64013 0005
Zoning: SR2	Lot Area: 7,475 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 110 Greenlawn Avenue consists of a 7,475 square foot lot improved with a single-family residence constructed in 1925 and a detached garage. The petitioners propose to extend a proposed deck and stairs at the rear of the dwelling for easier and safer access, which will further extend a nonconforming side 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 Pheobe Belsley, applicant, dated 12/13/2018
- FAR Worksheet, submitted 12/10/2018
- Proposed Deck Plot Plan, signed and stamped by Norman G. Hill, surveyor, dated 11/27/2018

ADMINISTRATIVE DETERMINATIONS:

- The petitioner intends to raze an existing landing and stair at the rear of the dwelling that provides difficult access into the house, and construct a larger deck area and stairs to make for safer and more convenient access. The existing landing is situated 4.2 feet from the side lot line, where 7.5 feet is required per section 3.1.3. The proposed deck will further extend the nonconforming setback back towards the rear of the property, but will not go closer to the side lot line, ending with a rearmost side setback of 4.6 feet. The petitioners cannot use the *de minimis* provisions of section 7.8.2.B, as the provision requires that the existing nonconforming setback cannot be less than 5 feet. A special permit pursuant to Sections 3.1.3 and 7.8.2.C.2 is required to further extend the nonconforming side setback to allow for construction of the deck and stairs.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,475 square feet	No change
Frontage	80 feet	65 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	26.2 feet 4.2 feet >55 feet	No change No change 50 feet
Max Lot Coverage	30%	16.9%	18.6%
Min. Open Space	50%	75.4%	No change

- See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3, §7.8.2.C.2	Request to further extend a nonconforming side setback	S.P. per §7.3.3

#69-19
110 Greenlawn Ave

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 extend the non-conforming side setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed deck that would further extend a nonconforming side setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood given that the proposed deck will not be visible from the street and is replacing a damaged concrete landing. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #69-19

PETITIONER: Eric and Phoebe Belsley

LOCATION: 110 Greenlawn Ave., on land known as Section 64, Block 13, Lot 5, containing approximately 7,475 square feet of land

OWNER: Eric and Phoebe Belsley

ADDRESS OF OWNER: 110 Greenlawn Ave.
Newton, MA 02459

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend the nonconforming side setback by razing a concrete landing and stairs and constructing a deck.

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. Proposed Deck Plot Plan, signed and stamped by Norman G. Hill, Professional Land Surveyor, dated November 27, 2018.
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. 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 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 architect.