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Department of Planning and Development

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Candace Havens
Director

| | |
|--------------------------------|---------------|
| Public Hearing Date: | April 9, 2013 |
| Land Use Action Date: | June 18, 2013 |
| Board of Aldermen Action Date: | July 1, 2013 |
| 90-Day Expiration Date: | July 8, 2013 |

DATE: April 5, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ^{ET}
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #105-13**, J. Stephen Cohen petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story addition to the rear of an existing single-family house and to add a second garage bay to an existing single-car garage which will increase the Floor Area Ratio from .36 to .45 where .34 is allowed at **132 Hammond Street**, Ward 7, on land known as SBL 61, 12, 24, containing approximately 13,561 sq. ft. of land in a district zoned Single Residence 2. Ref: Sec 30-24, 30-23, 30-15(u)(2)Table A, and Table 1 of the City of Newton Rev Zoning Ord, 2012.

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.



132 Hammond St.

EXECUTIVE SUMMARY

The subject property consists of a 13,561 square foot lot improved with a single-family Tudor-style dwelling built in 1929, with an attached single-car garage. The house is located on a corner lot at the intersection of Hammond Street and Crosby Road in Chestnut Hill. The petitioner is proposing to construct a one-story addition to the rear of the house, adding a family room, kitchen area and deck. A second garage bay is also proposed adjacent to the existing single-car garage. The proposed additions increase the floor area ratio (FAR) from .36 to .43 where .34 is the maximum allowed by right.

The petitioner met with Planning Department staff for a Development Review Team meeting (DRT) earlier this year. It was determined that the most desirable location for the addition of the second garage bay would site it adjacent to the existing single-bay garage. However, as the subject property is a corner lot, the right or east side of the house has a front setback requirement from Crosby Road of 25 feet. In addition to a special permit to exceed FAR, to build the garage as proposed the petitioner must also obtain a variance from the Board of Appeals for the front setback requirement.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider whether the structure with regard to FAR is consistent with, and not in derogation of size, scale and design of other structures in the neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located in Chestnut Hill at the intersection of Hammond Street and Crosby Road. The neighborhood is a mix of single- and two-family houses as well as properties owned by Boston College, including a large dorm complex diagonally across Hammond Street. The site is within an area zoned Single Residence 2. Many of the surrounding houses appear quite large and have similar additions.

B. Site

The site consists of 13,561 square feet of land and is generally level though it is retained from Crosby Road which slopes downhill. The property contains a 2.5-story Tudor-style house circa 1929 of approximately 4,900 square feet. A one-story, single-bay garage is attached to the existing house. Access to the house is via Hammond Street.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property is currently used as a single-family residence and the petitioner is not proposing any changes to the use with the proposed additions.

B. Building and Site Design

The petitioner is proposing a one-story addition off the rear of the existing 2.5-story residence. The proposed addition will add a family room, kitchen area and deck. These proposed additions will add approximately 400 square feet to the existing 4,900 square feet house, plus a 150-square foot deck.

In addition, the petitioner is proposing to add a second garage bay adjacent to the existing single-car garage. The new garage bay is approximately 330 square feet. The petitioner met with Planning Department staff for a Development Review Team meeting (DRT) earlier this year to discuss proposed plans. Earlier plans located the additional garage bay at the rear of the house, which necessitated additional paving and was not ideal for circulation or aesthetics. It was determined that the most desirable plan for the garage addition would be to locate it adjacent to the existing garage. As this is a corner lot the right or east side of the house has a 25-foot required front setback from Crosby Road. To build the garage as proposed the petitioner will encroach into the front setback by approximately 12.5 feet, leaving a proposed front setback of 12.7 feet. The Planning Department notes that if the setback to Crosby Road were treated as a side setback it would meet the 7.5 feet setback requirement.

Planning Department staff has no concerns with the proposed encroachment into the front setback for the proposed garage and as noted above believes that this configuration is a preferable layout. It is noted, however, that the petitioner will need to seek a variance from the Board of Appeals for a waiver of the front setback requirement. Should the Board choose to approve this project, the approval should be conditioned on the petitioner obtaining this variance.

Further, if the two garage bays were combined they would exceed the 700-square foot threshold for by-right garage space. Should the Board choose to approve this petition, the Board should consider a condition that requires the garage bays to remain separated in some way, as currently shown on plans.

C. Parking and Circulation

The petitioner is proposing to keep the existing curb cut on the corner of Hammond Street, to widen the driveway for the proposed new garage bay, and to add additional paving to create a new opening on Hammond Street, creating a circular driveway. The Planning Department is generally not in favor of circular driveways,

and we have some concerns that the proposed new driveway will exit near to the intersection with Tudor Road. It is also noted that there is a utility pole and City tree not shown on submitted plans near the proposed new curb cut. Although Hammond Street is not a particularly busy street, care should be taken when locating the proposed new driveway so as not to conflict with the intersection, utility pole or street tree.

IV. TECHNICAL REVIEW

- A. Technical Considerations (Chapter 30, Newton Zoning Ordinance): The Zoning Review Memorandum, (**SEE ATTACHMENT "A"**), provides an analysis of the proposal with regard to zoning. The petitioner is requesting a special permit to exceed the maximum allowed FAR. In addition, the petitioner will need to seek a variance to locate the proposed garage within the front setback.
- B. Comprehensive Plan: The proposed project would help preserve and update the existing structure while meeting the needs of today's families.
- C. Engineering Review: The Engineering Division of Public Works has reviewed the proposed project (**ATTACHMENT "B"**). The review notes that the petitioner should replace the existing HP ramp at the intersection of Hammond Street and Crosby Road.
- D. Newton Historical Commission: The proposed project does not trigger the Demolition Review Ordinance.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioner is seeking the relief from Section 30-15(u) to allow a structure to increase FAR to .45 where .34 is allowed by right.

VI. PETITIONERS' RESPONSIBILITIES

The petitioner should review all issues raised and respond at the public hearing.

ATTACHMENTS

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



Setti D. Warren
Mayor

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

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ATTACHMENT "A"

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: March 7, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning ET

Cc: J. Stephen Cohen
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR

| Applicant: J. Stephen Cohen | |
|-------------------------------------|------------------------------|
| Site: 132 Hammond Street | SBL: 61012 0024 |
| Zoning: SR-2 | Lot Area: 13,561 square feet |
| Current Use: Single-family dwelling | Proposed Use: No change |

BACKGROUND:

The property at 132 Hammond Street consists of a 13,561 square foot lot improved with a single-family residence. The applicant proposes a one-story addition to the rear of the house, adding a family room, kitchen area and deck. A second garage bay is also proposed adjacent to the existing single-car garage. The additions increase the floor area ratio above that allowed by right.

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

- Zoning Review Application, prepared by J. Stephen Cohen, submitted 1/25/13
- Architectural plans, prepared by AFAB Enterprises, submitted 2/14/13
 - Proposed foundation plan
 - Proposed first floor plan
 - Proposed second floor plan

- Existing attic plan
- Proposed front elevation
- Proposed right elevation
- Proposed rear elevation
- Proposed left elevation
- Existing and proposed FAR calculations, prepared by Ralph Bibbo, Bibbo Brothers, dated 1/23/13
- Area plan of land, signed and stamped by Robert Bibbo, Land Surveyor, dated 2/7/13
- Average Grade Plan Calculation Worksheet, prepared by Ralph Bibbo, Bibbo Brothers, dated 1/21/13
- Photos of the dwelling and property
- Quitclaim Deed
- Original building permit application dated 4/21/1928

ADMINISTRATIVE DETERMINATIONS:

1. The proposed addition increases the dwelling's FAR to .43 from .36, which exceeds the .34 permitted by the Ordinance per Section 30-15, Table A. To construct the renovation as proposed, the applicant must obtain a special permit from the Board of Aldermen per sections 30-15(u)(2) and 30-21(2)(b).

| SR2 Zone | Required/Allowed | Existing | Proposed |
|---------------------------------|--------------------|---|--------------------------------|
| Lot Size | 10,000 square feet | 13,561 square feet | No change |
| Frontage | 80 feet | 103.63 feet | No change |
| Setbacks for existing structure | | | |
| • Front | 25 feet | 30.09 feet (Hammond St) 29.30 feet (Crosby Rd) | No change 12.70 feet |
| • Side | 7.5 feet | 11.24 feet on left | No change |
| • Rear | 15 feet | 35.80 feet | 25.80 feet |
| FAR | .34 | .36 | .45 |
| Building Height | 36 feet | 31.8 feet | No change |
| Maximum Stories | 2.5 | 2.5 | No change |
| Max. Lot Coverage | 30% | | 25% |
| Min. Open Space | 50% | | 58.5% |

2. The applicant met with Planning Department staff for a Development Review Team meeting (DRT). It was determined that the most desirable plan for the addition of the second garage bay would locate it adjacent to the existing garage. As this is a corner lot, the right side of the house has a front setback requirement from Crosby Road of 25 feet. To build the garage as proposed, the applicant must obtain a variance from the Board of Appeals for front setback requirements. The applicant should seek approval of the special permit from the Board of Aldermen with the condition that a variance from the front setback requirement from Crosby Road will be obtained from the Board of Appeals before a building permit is issued.

1. See "Zoning Relief Summary" below:

| Zoning Relief Required | | |
|---|---|------------------------|
| <i>Ordinance</i> | | <i>Action Required</i> |
| §30-15 Table A, §30-15(u), §30-15(u)(2) | Exceed floor Area Ratio (FAR) | S.P. per §30-24 |
| §30-15 Table 1 | Locate proposed garage within the front setback | Variance |

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 132 Hammond Street

Date: April 2, 2013

CC: Lou Taverna, PE City Engineer (via email)
Linda Finucane, Associate City Clerk (via email)
Eve Tapper, Chief Planner (via email)
Alexandria Ananth, Sr. Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Site Plan of Land Newton, MA
Showing House & Additions
#132 Hammond Street
Prepared by: Bibbo Brothers & Associates
Dated: 2-7-'13*

Executive Summary:

This single-family residence located at the corner of Hammond Street & Crosby Road is proposing to add a one-stall garage, expand the driveway and add a one-story 610 square foot addition. The site plan does not show a utility pole and city tree along Hammond Street that may be problematic when constructing the new driveway opening. The plan also does not show areas of ledge along the Crosby Road side of the property. In light of the new impervious surfaces being added to the site, drainage improvements will be required to keep the additional runoff on site. Furthermore if the dwelling is to be renovated both water and sewer services which are 62 & 85 years old respectfully. As a public benefit the existing HP ramp at this corner should be upgraded to current standards.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the project. The design of the proposed on site drainage system needs to comply with the MassDEP Stormwater Regulations and City Ordinances. A soil investigation is needed in which a test pit & percolation test is required within 20' of the proposed drainage system.
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the Homeowners Association.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer main need to match.
2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to have this work inspected may result in the delay of issuance of the Utility Connection Permit.
3. City of Newton Construction Details are available on the City's website.

4. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the city of Newton Construction Standards Detail Book.
5. All new sewer service and/or structures shall be pressure tested or video taped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
6. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***

Water:

1. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
2. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval.
3. The water service shall be 1" Type K Copper from the main to the meter.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. ***This note shall be incorporated onto the plans***

2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
7. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

105-13

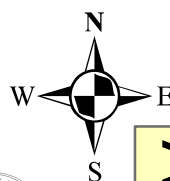
Zoning Map

132 Hammond St

*City of Newton,
Massachusetts*

Legend

- Single Residence 1
- Single Residence 2
- Multi-Residence 1
- Building Outlines
- Surface Water



ATTACHMENT "C"

The information on this map is derived from a Geographic Information System. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not be held responsible for approving applications based solely on this map.

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



Map Date: April 2013



105-13

Land Use Map 132 Hammond St

*City of Newton,
Massachusetts*

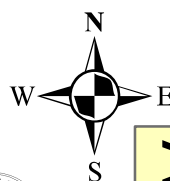
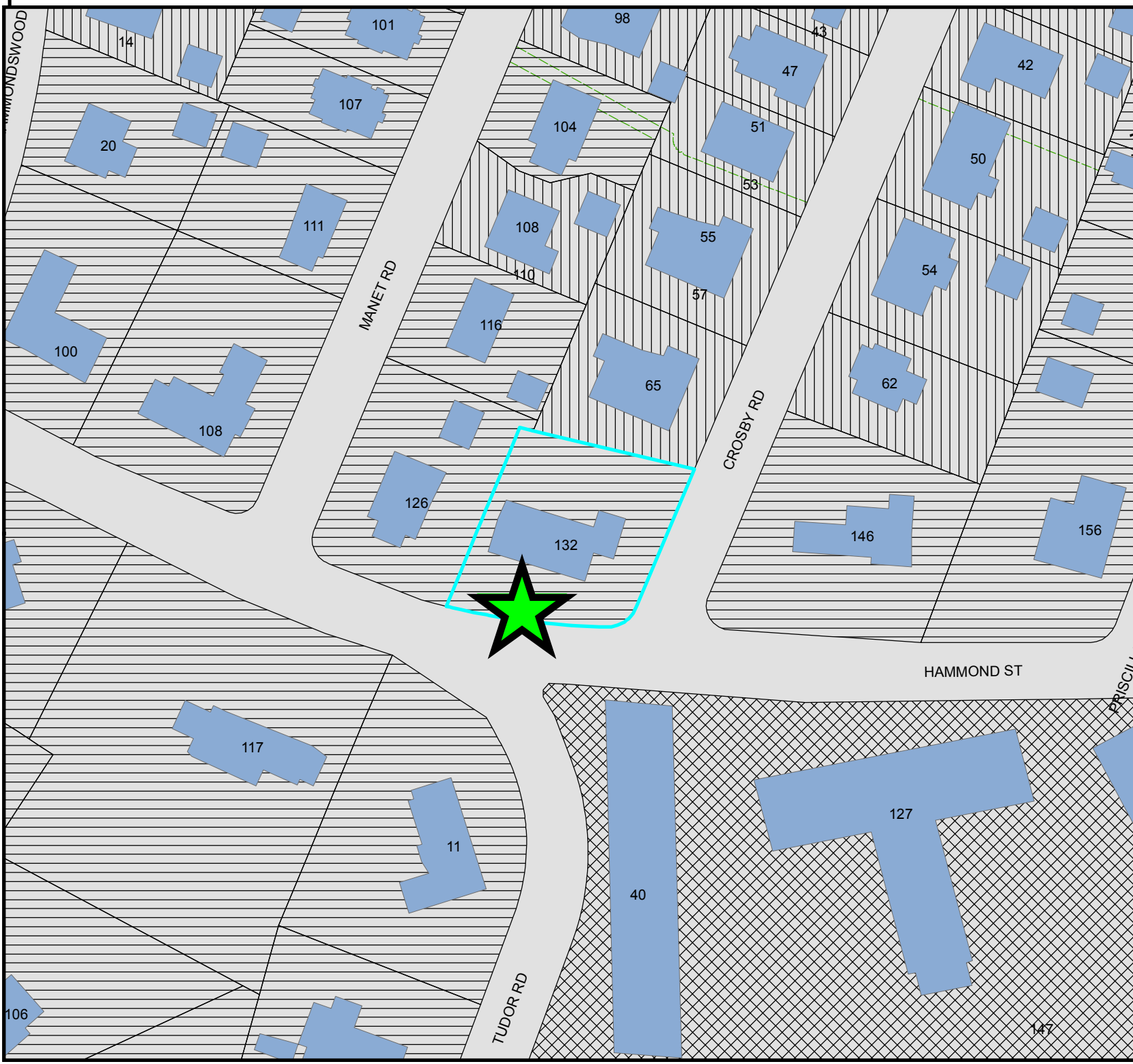
Legend

Land Use

- Single Family Residential
- Multi-Family Residential
- Private Educational

Other Symbols

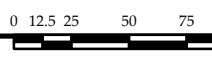
- Building Outlines
- Surface Water



ATTACHMENT "D"

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Map Date: April