



Setti D. Warren
Mayor

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

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

James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 12, 2016
Land Use Action Date: June 14, 2016
City Council Action Date: June 20, 2016
90-Day Expiration Date: July 11, 2016

DATE: April 8, 2016

TO: City Council

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

SUBJECT: **Petition #93-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to build additions to the rear and side of the existing structure on the basement and first floor levels, and enclose a porch to create living space, which will further increase the non-conforming floor area ratio from .47 to .50, where .31 is the maximum allowed by right, and to regrade the property, which will further increase the nonconforming height of the existing structure from 37.4' to 37.7', where 36' is the maximum allowed by right at 413 Hammond Street, Ward 7, Chestnut Hill, on land known as SBL 63, 26, 14 containing approximately 15,307 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 7.8.2.C.2, 3.1.9, 3.1.3 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 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 that the Land Use Committee of the City Council can consider at a subsequent working session.



413 Hammond Street

EXECUTIVE SUMMARY

The property located at 413 Hammond Street consists of a 15,307 square foot lot, and is improved with a three-story single-family residence built in 1896 as well as a detached carriage house. The property is located in the Single Residence 1 zoning district, which has the most restrictive floor area ratio maximum threshold, and is also located within the Chestnut Hill Historic District. The petitioner is proposing to construct an addition to the rear and side of the existing structure on the basement and first floor levels, as well as to enclose an existing porch to create living space. To construct the addition, the applicant is seeking a special permit to increase the nonconforming floor area ratio (FAR) from 0.47 to 0.50, where 0.31 is the maximum allowed by right. If approved, the proposed additions will result in a net increase to the existing dwelling by 417 square feet for a total of 7,658 square feet built on the lot including the 1,300 square foot carriage house. The petitioner is also proposing to regrade the property slightly, changing the average grade sufficiently to increase the nonconforming height of the existing structure from 37.4 feet to 37.7 feet, for which they need a special permit.

The Planning Department is not concerned with the construction of the proposed additions on this single-family dwelling. The dwelling is located in a neighborhood of other similarly-scaled dwellings and the petitioner will be restoring the existing house in keeping with the architectural detail of the residence. The proposed footprint addition is to the rear and the enclosure of the existing screen porch will not visually add additional mass to the structure. Furthermore, the addition has been reviewed and approved by the Chestnut Hill Historic District (**Attachment A**). For these reasons, the Planning Department believes the extension of a nonconforming structure with respect to FAR and height will not be in derogation of the size, scale, and design of other residential structures in the neighborhood, and will not be substantially more detrimental than the existing structure is to the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The site is an appropriate location for the proposed additions. (§7.3.3.C.1)
- The proposed increase in FAR from 0.47 to 0.51, where .31 is the maximum 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 and §7.8.2.C.2)
- The proposed increase in height of 0.3 feet is not substantially more detrimental than the existing nonconforming structure 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 Hammond Street, not far from the MBTA Green Line Chestnut Hill Train Station. The neighborhood is comprised primarily of larger single-family residences, and a number of institutional uses including various houses of worship and the Chestnut Hill School. The site and surrounding area are zoned Single Residence 1 (**Attachments B & C**).

B. Site

The property consists of 15,307 square feet of land, and is improved with a three-story single-family residence built in 1896 and a detached carriage house. The site slopes down from the street towards the rear such that much of the basement counts towards the FAR.

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 applicant is proposing to extend the existing residence at the rear of the house with a first floor and basement addition to create an extended pantry and dining area. A new deck will also be added to the rear of the house to improve access to the back yard. The existing screened porch will also be further enclosed with windows to create a library room. Finally, portions of the site will be regraded increasing the existing nonconforming height by 0.3 feet. The proposed additions and regrading are in keeping with the architecture of the house and have been reviewed and approved by the Chestnut Hill Historic District Commission. The proposed additions would enlarge the current house by 417 square feet but would be minimally visible to the street. The proposed additions and dwelling otherwise meet all of the dimensional controls as stipulated in the NZO including lot coverage and open space. The petitioners will be restoring the house as part of this renovation, helping to ensure the preservation of this structure.

Landscape Screening

The Planning Department believes that existing vegetation is adequate, and does not believe additional screening is needed.

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

- §3.1.9 of Section 30, to increase nonconforming Floor Area Ratio (FAR)
- §3.1.3 of Section 30, to increase the nonconforming height.

B. 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 addition should this project be approved.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Chestnut Hill Historic District Record of Action
Attachment B: Zoning Map
Attachment C: Land Use Map
Attachment D: Zoning Review Memorandum
Attachment E: DRAFT Order



Setti D. Warren
Mayor

City of Newton, Massachusetts

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

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

James Freas
Acting Director

RECORD OF ACTION:

DATE: January 22, 2016

SUBJECT: 413 Hammond Street - Certificate of Appropriateness

At a scheduled meeting and public hearing on January 21, 2016 the Chestnut Hill Historic District Commission, by vote of 4-0,

RESOLVED to issue a Certificate of Appropriateness at 413 Hammond Street for the application as submitted to relocate windows, to install three skylights, to remove an existing skylight, and to build a rear addition.

Voting in the Affirmative:

John Wyman, Chair

Robert Imperato, Member

Matthew Montgomery, Member

Sam Perry, Alternate

Barbara Kurze, Commission Staff

DATE TRACKING

Date Notice Sent: 1-7-16

Date of Hearing/Meeting: 1-21-16

Date of Decision: 1-21-16

ACTION TAKEN

Accepted: X

Denied: _____

Reason for Action: Appropriate.

TYPE OF CERTIFICATION ISSUED

Appropriateness

Non-Applicability

Hardship

Conditions:

Chairman or Secretary

1-22-2016
Date

Zoning Map 413 Hammond St.

City of Newton,
Massachusetts

Legend

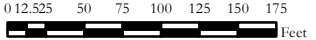
-  Single Residence 1
-  Public Use

Attachment B

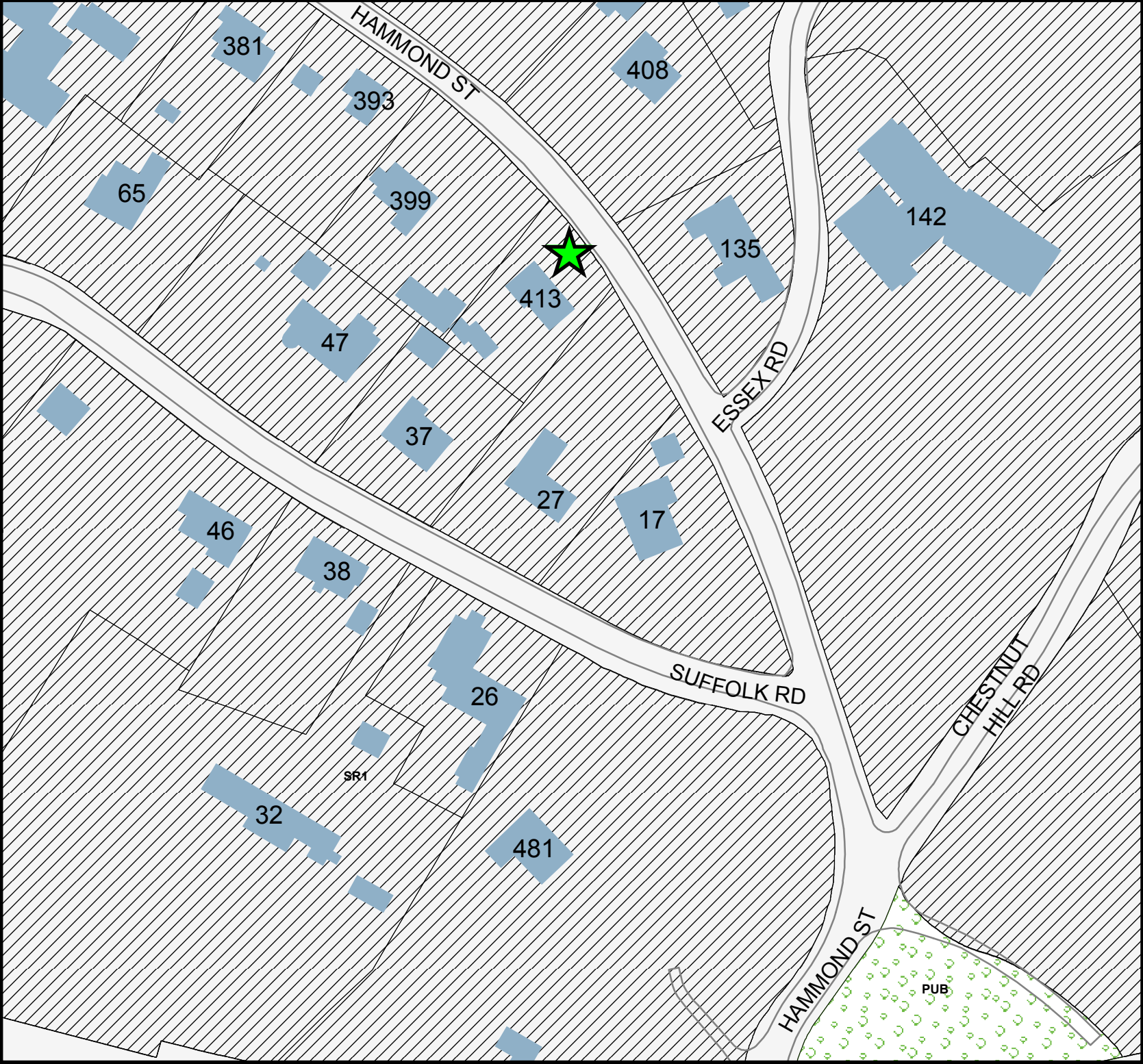


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: April 04, 2016



Land Use Map 413 Hammond St.

City of Newton,
Massachusetts

Legend

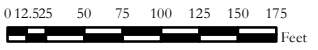
- Land Use**
- Single Family Residential
 - Multi-Family Residential
 - Private Educational
 - Nonprofit Organizations
 - Vacant Land

Attachment C

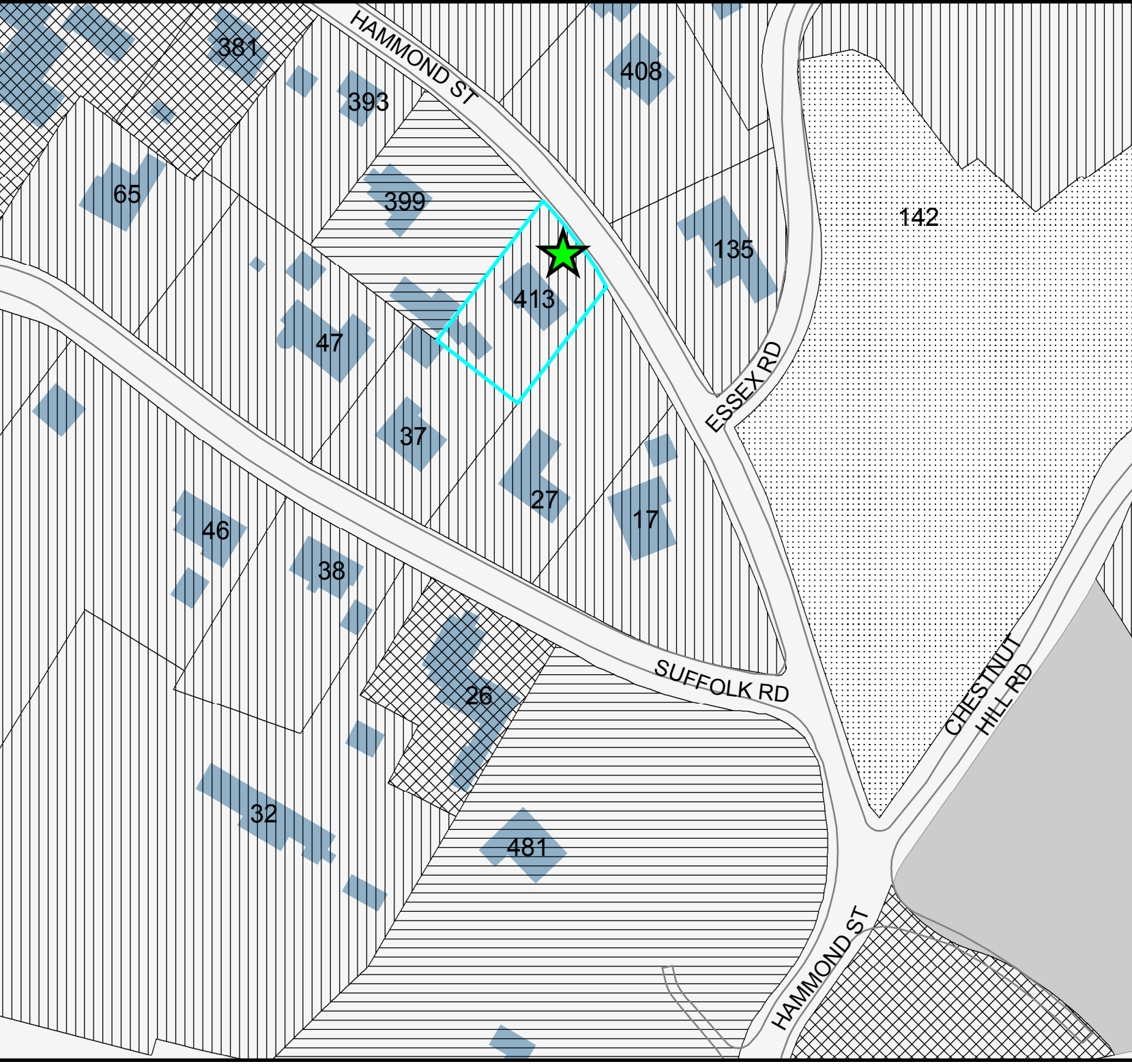


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: April 04, 2016





Setti D. Warren
Mayor

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

Telephone
Attachment D

TDD/TTY
(617) 796-1089
www.newtonma.gov

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: February 22, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Diana Bailey, Architect
Elisabeth Battinelli, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to further increase nonconforming FAR

Applicant: Elisabeth Battinelli	
Site: 413 Hammond Street	SBL: 63026 0014
Zoning: SR-1	Lot Area: 15,307 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 413 Hammond Street consists of a 15,307 square foot lot improved with a single-family residence constructed in 1896 and a detached carriage house. The property is located in the Chestnut Hill Historic District.

The applicant is proposing additions to the rear and side of the existing structure on the basement and first floor levels, as well as enclosing an existing porch to create living space. The additions create a total of 7,658 square feet of living space, which increase the nonconforming FAR from the existing .47 to .50, where .31 is the maximum allowed. The applicants also intend to regrade the property, changing the average grade, which will further increase the nonconforming height of the existing structure, from 37.4 feet to 37.7 feet.

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

- Zoning Review Application, prepared by Diana Bailey, architect, submitted 2/8/2016
- FAR Worksheet, prepared by Diana Bailey, architect, submitted 2/8/2016
- Existing Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 10/26/2015

- Proposed Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 1/28/2016
- Architectural Plans and Elevations, signed and stamped by Diana Bailey, Architect, dated 2/8/2016

ADMINISTRATIVE DETERMINATIONS:

1. The applicants’ existing nonconforming FAR is .47, where .31 is the maximum allowed per Section 3.1.9. The proposed addition adds 417 square feet to the existing 7,241 square foot dwelling, resulting in an FAR of .50 and a total of 7,658 square feet. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.
2. The existing height of the dwelling is 37.4 feet, where 36 feet is the maximum allowed per Section 3.1.3. The applicant intends to regrade the property, and add to the rear at the lowest point, thereby affecting the average grade. While not adding to the overall height of the structure, the proposed work further increases the nonconforming height from 37.4 feet to 37.7 feet. A special permit to extend the nonconforming height pursuant to Section 7.8.C.2 is required.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	15,307 square feet	No change
Frontage	100 feet	102 feet	No change
Setbacks			
• Front	25 feet	49.5 feet	No change
• Side	12.5 feet	17.6 feet	15.9 feet
• Rear	25 feet	>60 feet	55.8 feet
Building Height	36	37.4 feet	37.7 feet
Max Number of Stories	2.5	3	No change
FAR	.31	.47	.50
Max Lot Coverage	30%	18.6%	19.9%
Min. Open Space	50%	67%	65%

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 increase nonconforming FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further increase nonconforming height	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

April 19, 2016

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 (FAR) from .47 to .51, where .31 is the maximum allowed by right, and to regrade the property, which will further increase the nonconforming height of the existing structure from 37.4' to 37.7', 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 Marc Laredo:

1. The site is an appropriate location for the proposed additions. (§7.3.3.C.1)
2. The proposed increase in FAR from 0.47 to 0.51, where .31 is the maximum 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 and §7.8.2.C.2)
3. The proposed increase in height of 0.3 feet from 37.4' to 37.7', where 36' is the maximum allowed by right, is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #93-16

PETITIONER: Diana M. Bailey

LOCATION: 413 Hammond Street, on land known as Section 63, Block 26, Lot 14, containing approximately 15,307 square feet of land

OWNER: Elisabeth M. Battinelli

ADDRESS OF OWNER: 22 Hudson St.
Sommerville, MA

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.8.2.C.2, to extend a nonconforming structure with respect to FAR; §3.1.3 and §7.8.2.C.2, to further increase nonconforming height

ZONING: Single Residence 1 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 Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 1/28/2016
 - b. Architectural Plans and Elevations, signed and stamped by Diana Bailey, Architect, dated 2/8/2016 consisting of three sheets:
 - i. A1.0 Proposed Basement Plans
 - ii. A1.1 Proposed First Floor Plans
 - iii. A3.0 Proposed Elevations
2. 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.
3. 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 a registered 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 land surveyor.
 - c. Received a final sign off on the structure as built from the Chestnut Hill Historic District Commission.