



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: September 16, 2014
Land Use Action Date: October 14, 2014
Board of Aldermen Action Date: December 1, 2014
Action Expiration Date: December 15, 2014

DATE: September 12, 2014

TO: Board of Aldermen

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

SUBJECT: **Petition #316-14**, KATHLEEN CURRAN, for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a 2-story addition including an attached 2-car garage with living space above with a dormer wider than 50% of the wall below at 30 HANCOCK STREET, Ward 4, Auburndale, on land known as SBL 43, 17, 17, containing approximately 13,950 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-15(t)(1), 30-21(b) 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.



30 Hancock Street

EXECUTIVE SUMMARY

The property located at 30 Hancock Street consists of a 13,950 square foot lot improved with a nonconforming 2½-story single-family residence, which was built in 1896, and was used as a carriage house on the larger estate. The petitioner is proposing to enlarge the house by adding a two-story addition consisting of a two-car garage, first floor living space, and bedrooms and an additional bath above. The proposed addition will add approximately 2,254 square feet to the structure. To construct the second floor living space above the garage in a manner that creates functional space, the petitioner is proposing to construct a dormer that requires relief from the Newton Zoning Ordinance. As proposed, the addition does not further encroach into the existing nonconforming rear or side setbacks. However, because the existing structure is nonconforming and the dormer will exceed the allowable fifty percent length of the story below, a special permit is required.

The City's Auburndale Historic District Commission reviewed the proposed addition and issued a Certificate of Appropriateness for the project (**ATTACHMENT A**). According to the record of action, the addition must have wood shutters, wood windows with vinyl cladding, and wood garage doors. According to the *Newton Comprehensive Plan*, adopted 2007, residential property owners are encouraged to consider additions to older homes in order to preserve the existing structure, while allowing them to meet the needs of today's families.

The Planning Department has no particular concerns with this petition. The petitioner's addition appears to maintain the character of the historically significant structure and surrounding residential neighborhood. The Department believes that the project as designed and sited can be found not to be substantially more detrimental than the existing nonconforming house is to other structures in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed addition, which extends an existing nonconforming structure but does not further encroach into the rear or side setbacks, is not substantially more detrimental than the existing structure is to the surrounding residential neighborhood. (§30-15 table 1 and §30-21(b))
- The proposed dormer, which exceeds fifty percent of the story below, will not adversely affect the neighborhood, as it is sited on the rear elevation of the house and will be minimally visible to abutters. (§30-15(t)(1) and §30-24(d)(2))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is a landlocked parcel without frontage, and is accessed via a 12-foot wide shared access easement off of Hancock Street. The house is surrounded by other single-family residences, but is proximate to properties containing multi-family residences, mixed use, open space, private education, and nonprofit organization

land uses (**ATTACHMENT B**). The subject property is zoned Single Residence 3, but is near properties zoned Public Use and Single Residence 2 (**ATTACHMENT C**).

B. Site

The property consists of 13,950 square feet of land and is improved with a nonconforming 2½-story single-family residence. The house is nonconforming due to the existing substandard rear setback of 11.3 feet, where 15 feet is required, and side setback of 6.1 feet, when 7.5 feet is required. The site is accessed via a 12-foot wide shared access easement that crosses three adjacent properties off Hancock Street. The property has a substantial yard to the south of the current home, which is bordered by mature trees and landscape plantings.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain a single-family residence.

B. Building and Site Design

The petitioner is proposing to enlarge the existing nonconforming house by adding a two-story addition consisting of a two-car garage, first floor living space, and bedrooms and a bath above. As proposed, the addition does not further encroach into the existing nonconforming rear or side setbacks. The proposed addition will enlarge the existing structure, which is approximately 1,714 gross square feet, by an additional 2,254 gross square feet. The petitioner's proposed addition will be of wood-framed construction and clad with shingle siding and asphalt shingles to match the existing home.

To construct the second floor living space above the garage in a manner that creates functional space, the petitioner is proposing to construct a dormer that requires relief from the Newton Zoning Ordinance. The dormer, which will be located on the rear of the addition, is approximately 18.6 feet in length and has a 23.5 foot long wall below. The proposed location of the dormer will be partially visible from the abutting properties on Grove Street.

The Planning Department has no particular concern with this petition, and is supportive of this expansion to the existing house. The Department believes that the project as designed and sited can be found not to be substantially more detrimental than the existing nonconforming structure is to other structures in the neighborhood.

C. Parking and Circulation

The petitioner currently stores two vehicles outside on a bituminous parking area at the end of the shared access easement. As proposed, the petitioner will develop a two-car garage attached to the house. The siting of the addition does not appear to adversely impact the circulation patterns and use of the shared access easement.

D. Landscape Screening

No landscape plan was required for this petition. The presence of existing mature trees and landscape plantings on the subject property and abutting lots appears adequate to sufficiently screen the proposed dormer.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT D**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- §30-15 Table 1 and §30-21(b) to allow the extension of an existing nonconforming structure; and
- §30-15(t)(1) to allow the construction of a dormer on the rear of the addition that exceeds the allowable fifty percent length of the story below.

B. Auburndale Historic District Commission

The City's Auburndale Historic District Commission reviewed the proposed addition on May 13, 2014 and issued a Certificate of Appropriateness for the project. According to the record of action, the Certificate of Appropriateness was issued with the condition that the addition must have wood shutters, wood windows with vinyl cladding, and wood garage doors (**ATTACHMENT A**).

C. Engineering Review

The Associate City Engineer, submitted an Engineering Review Memorandum (**ATTACHMENT E**), providing an analysis of the proposal with regard to engineering issues. The on-site infiltration system proposed by the petitioner appears adequately sized to handle the increase runoff from the expanded residence and driveway. The petitioner will be required to comply with all the recommendations put forth in the memorandum prior to issuance of a building permit.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Auburndale Historic District Commission-Record of Action, dated May 20, 2014
- Attachment B:** Land Use Map
- Attachment C:** Zoning Map
- Attachment D:** Zoning Review Memorandum
- Attachment E:** Engineering Review Memorandum



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development

Telephone
(617) 796-1120
Fax
(617) 796-1086

Project#	4040065
Date Received	4-28-2014

Newton Local Historic District Commission
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
NON-APPLICABILITY OR HARDSHIP

As specified in Newton City Ordinances 22-40(e)(1), for properties in a local historic district, a certificate is required before obtaining any building permit or before proceeding with construction projects affecting the exterior of the property. Please fill in the following information where applicable and submit to Preservation Planner, Planning and Development Department, Newton City Hall, 1000 Commonwealth Avenue, Newton MA 02459.

I. **PROPERTY ADDRESS** 30 HANCOCK STREET

Name of local historic district AUBURNDALE

II. **Primary Contact** RALPH CARROLL / MAIN STREET ARCHITECTS

Address 25 MATTHEWSON DR. WETNAMOUTH, MA 02189 Phone # 781-331-4458

Property Owner (if different) KATHY CURRAN, MARNI CSANKA

Address 30 HANCOCK STREET Phone # 617-840-3614

Architect / Contractor MAIN STREET ARCHITECTS

Address 25 MATTHEWSON DR. WETNAMOUTH, MA 02189 Phone # 781-331-4458

III. **TYPE OF STRUCTURE** (Please Check):

- House
 Garage
 Shed
 Wall
 Fence
 Sign
 Non-Residential Building
 Other

PROPOSED WORK (Please Check):

- New Construction
 Demolition
 Addition
 Alteration
 Replacement
 Repair
 Other

IV. **DESCRIPTION OF WORK:** (Statement of scope of work with specific information about materials, style, extent of work, etc. referencing plans and photographs if appropriate.)

ADDITION TO EXISTING CARRIAGE HOUSE BUILT IN 1838 AS A BARN. EXISTING
FRONT DOOR, KNEE BRACKETS, & ENTRANCE ROOF OVER HANG TO BE RE-USED AT NEW
ENTRANCE. WOOD SHINGLES TO MATCH EXISTING WITH SCOUR SHINGLES IN DORMERS.
ROOF SHINGLES TO MATCH EXISTING AS WELL AS EXISTING PAINT COLORS. NEW VINYL
WINDOWS TO MATCH EXISTING. DECORATIVE CARRIAGE STYLE GARAGE DOOR TO BE RE-USED.
EXISTING DORMER DESIGN TO BE CARRIED OVER TO ADDITION. THE ADDITION IS
DESIGNED TO KEEP IN THE SAME CARRIAGE HOUSE DETAILS & SCALE OF THE
EXISTING HOUSE FOR DESIGN CONTINUITY.

V. SUGGESTED DOCUMENTATION (See Design Guidelines for Complete List)

- Photographs (both subject property and streetscapes)
- Assessor's Map locating property
- Building plans (*elevations, no larger than 11 x 17*)
- Product/Material information – literature and specifications, brochures, photographs
- Historical Information (old plans, old photos, etc.)
- Site Plan
- Sketches

VI. SIGNATURES

Property Owner

Mamie Senken

I agree that if necessary the Commission may extend the hearing on this application from the scheduled hearing / meeting on:

May 13, 2014

Applicants Please Take Note:

- 1) An approved Certificate shall expire **one year** from the time of issuance unless otherwise extended by the Commission.
- 2) If a Certificate is approved without a public hearing, approval is subject to a 10 day appeal period as per the City Ordinance governing Historic Districts.
- 3) This application is only for Historic District review. Applicants should also consult the Planning Department to consider other relevant planning and zoning ordinances. Following this review, an application for Plan Examination and/or Building Permit must be completed and submitted to Inspectional Services. Should the plans approved under this certificate be changed as a result of the issuance of other permits, including but not limited to Building permits, Special Permits, Street Opening Permits, and Utility Connection permits, the Historic District Commission shall be notified and a new plan presented for review prior to the commencement of construction.
- 4) Please notify the Commission upon completion of the changes included in this Certificate.

FOR COMMISSION USE ONLY

Date Completed Application Received 4-28-2014
 Date Notice Sent 4-29-2014
 Date of Hearing/Meeting 5-13-2014
 Date of Decision 5-13-2014

ACTION: Accepted Denied

Reason for Action: APPROPRIATE

TYPE OF CERTIFICATE ISSUED

- Appropriateness
- Non-Applicability
- Hardship

PK 5-20-2014
 Chairman or Secretary Date

Conditions: SUBSTITUTION OF MATERIALS AS FOLLOWS: 1) WOOD SHUTTERS; 2) WOOD WINDOWS WITH VINYL CLADDING; AND 3) WOOD GARAGE DOORS.



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Candace Havens
Director

RECORD OF ACTION:

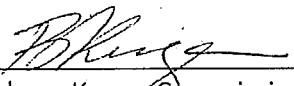
DATE: May 20, 2014
SUBJECT: 30 Hancock Street - Certificate of Appropriateness

At a scheduled meeting and public hearing on May 13, 2014 the Auburndale Historic District Commission, by vote of 4-0,

RESOLVED to issue a Certificate of Appropriateness for the application as submitted at 30 Hancock Street to build an addition with the substitution of materials as follows: 1) wood shutters; 2) wood windows with vinyl cladding; and 3) wood garage doors.

Voting in the Affirmative:

Nancy Grissom, Acting Chair Patricia Baker, Member Patricia Bottomley, Member
Mark Armstrong, Alternate

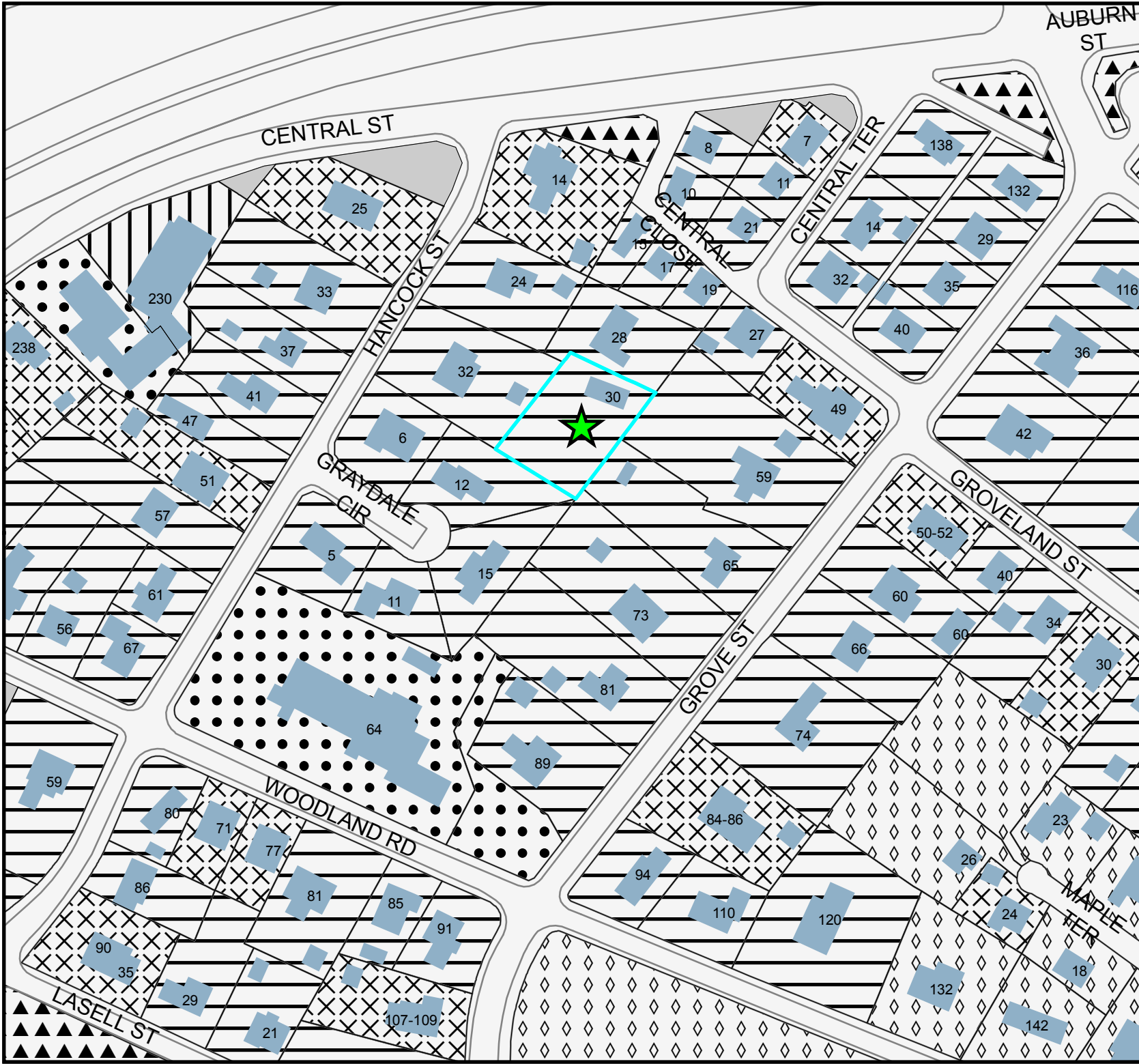


Barbara Kurze, Commission Staff

Land Use Map 30 Hancock Street

*City of Newton,
Massachusetts*

ATTACHMENT B



Legend

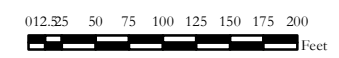
Land Use

- Single Family Residential
- Multi-Family Residential
- Mixed Use
- Open Space
- Private Educational
- Nonprofit Organizations
- Vacant Land
- Property Boundaries
- Building Outlines



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








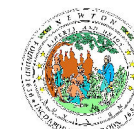
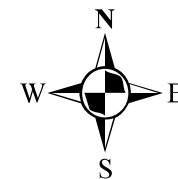
Zoning Map 30 Hancock Street

*City of Newton,
Massachusetts*

ATTACHMENT C

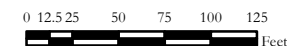
Legend

-  Single Residence 2
-  Single Residence 3
-  Public Use
-  Property Boundaries
-  Building Outlines



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



Map Date: August 28, 2014





Setti D. Warren
Mayor

Attachment D

City of Newton, Massachusetts

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: August 28, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Ralph Cappola, Architect
Kathleen Curran, Applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend a nonconforming structure with regard to rear setback and to build a dormer exceeding 50% of the length of the wall plane below

Applicant: Kathleen Curran	
Site: 30 Hancock Street	SBL: 43017 0017
Zoning: SR-3	Lot Area: 13,950 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 30 Hancock Street consists of a 13,950 square foot lot improved with a single-family residence in the Single Residence 3 district. The lot is a rear "flag lot", with a long 12 foot wide easement providing access, having been carved from the larger estate as early as 1929 and put in to its present configuration. The structure, built in 1896, was originally the carriage house on the larger estate. The applicants are proposing a two-story addition, which will include a two-car attached garage, first floor living space, and bedrooms and an additional bath above.

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

- Zoning Review Application, prepared by Ralph Cappola, Main Street Architects, submitted 6/11/2014
- FAR calculations, prepared by Ralph Cappola, Main Street Architects, undated
- Newton Local Historic District Commission application, prepared by Ralph Capolla, Main Street Architects dated 4/28/2014
- Newton Local Historic District Commission Certificate of Appropriateness, dated 5/20/2014
- Photos of the property, undated

- Site Plan, signed and stamped by Bradley J. Simonelli, Field Resources, Inc, dated 6/10/2014
- Floor Plans – Existing Conditions, prepared by Ralph Cappola, Main Street Architects, dated 9/23/2013
- Elevations – Existing Conditions, prepared by Ralph Cappola, Main Street Architects, dated 9/23/2013
- Floor Plans – Proposed Conditions, prepared by Ralph Cappola, Main Street Architects, dated 9/23/2013
- Elevations, Proposed Conditions, prepared by Ralph Cappola, Main Street Architects, dated 9/23/2013

ADMINISTRATIVE DETERMINATIONS:

1. The dwelling has an existing nonconforming rear setback of 11.3 feet, where 15 feet is required by section 30-15, Table A, and a sideyard setback of 6.1 feet, where 7.5 feet is required. The proposed addition does not further encroach into the rear or side setbacks. However, because the existing structure is nonconforming, a special permit is required to extend it per section 30-21(b).
2. The applicants are proposing an 18.2 foot long dormer on the rear of the new addition, which is proposed with a 23.6 foot long wall plane below. Section 30-15(t)(1) requires a special permit for a dormer wider than 50% of the length of the exterior wall of the story next below. Where 18.2 feet is 77% of the wall below, a special permit is required to build the dormer as proposed.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	13,950 square feet	No change
Frontage	70 feet	0 feet	No change
Setbacks			
• Front	25 feet	34.5 feet	No change
• Side	7.5 feet	6.1 feet	No change
• Rear	15 feet	11.3 feet	No change
Building Height	36 feet	15.42 feet	24.95 feet
FAR	.39	.12	.25
Max Lot Coverage	30%	6%	12%
Min. Open Space	50%	84%	71%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-15 Table 1 30-21(b)	Extend existing nonconforming structure	S.P. per §30-24
§30-15(t)(1)	To build a dormer wider than 50% of the wall below	S.P. per §30-24

**CITY OF NEWTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 30 Hancock Street

Date: September 4, 2014

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Chief Planner
Dan Sexton, Sr. Planner

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

*Site Plan Drawn for
Kathleen Curran
Located at #30 Hancock Street
Newton, MA
Prepared by: Thomas A. Ryder, PE * & Associates
Dated: 8/1/14*

Executive Summary:

The existing single family dwelling is proposing a two story attached addition that will increase the impervious area by 1,350 square feet on a 13, 950 square foot lot. The design incorporates a collection system to capture, direct and infiltrate all the increase of runoff for the City's 100-year design storm event on site. The design is in compliance with DEP & DPW Stormwater Standards.

Drainage:

1. The proposed infiltration trench needs to add to the detail the following: filter fabric - 3” layer of peastone on top of the system, and then covered over with filter fabric.
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 property owner(s).

General:

1. 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 drainage system will be made available for an inspection. The system 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 a Building Permits with the Department of Inspectional Service prior to any construction.
5. 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.*
6. All site work must be completed before a Certificate of Occupancy is granted. *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.