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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	February 6, 2018
Land Use Action Date:	April 10, 2018
City Council Action Date:	April 16, 2018
90-Day Expiration Date:	May 7, 2018

DATE: February 2, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Valerie Birmingham, Planning Associate

SUBJECT: **Petition #66-18**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the nonconforming floor area ratio (FAR) from 0.44 to 0.47, where 0.43 is the maximum allowed by right at **48 Nathan Road** Ward 2, Newton Centre, on land known as Section 13, Block 32, Lot 19, containing approximately 7,983 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 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.



48 Nathan Road

EXECUTIVE SUMMARY

The property located at 48 Nathan Road consists of a 7,983 square foot lot in a Single Residence 2 (SR-2) zoning district in Newton Centre. It is improved with a colonial revival single-family dwelling constructed circa 1930 and a detached two-car garage. The petitioner is seeking to construct a two-story addition to the rear of the dwelling which adds a total of 270 square feet. The proposed modification would increase the property's FAR from 0.44 to 0.47, above the maximum 0.43 allowed by right per Section §3.1.9 (0.41 plus the .02 bonus for meeting new lot setback requirements). A special permit pursuant to Sections §3.1.9 and §7.8.2.C.2 is required to further increase the already nonconforming FAR.

The Planning Department recommends approval of the petition as the proposed addition is modestly scaled and would conform to other relevant dimensional requirements and has limited visual impact on adjoining public ways and properties.

SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The nonconforming FAR from 0.44 to 0.47, where 0.43 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 the nonconforming FAR will be substantially more detrimental than the existing nonconforming FAR is to the neighborhood. (§3.1.9 and §7.8.2.C.2)

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

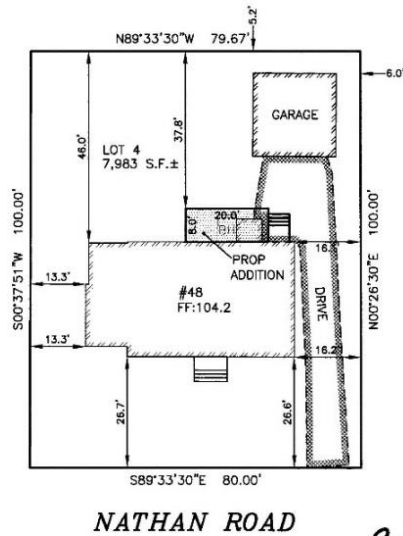
A. Neighborhood and Zoning

The subject property is located on the north side of Nathan Road, in the SR-2 zone in Newton Centre. The immediate neighborhood and surrounding area is predominantly residential due to the SR-2 zone to the north, south and west, and the Multi-Residence 1 (MR-1) zone to the east. However, there are a small handful of mixed-use and nonprofit organization uses in the area. **(Attachments A & B).**

B. Site

The site is a 7,983-square foot lot improved with an approximate 3,525 square foot, 2 ½ story single-family dwelling near the center of the property. The site also includes a detached garage located in the rear of the lot. Access to the garage is provided by an approximately 75-foot-long paved driveway along the right side of the property. The site

is predominantly flat and features lawn area and some vegetation, including shrubs. A four-foot metal fence is located along the rear property line.



II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

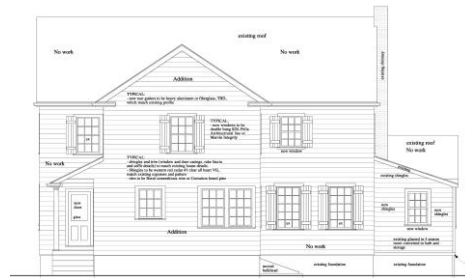
The principal use of the site is and will remain a single-family residence.

B. Building and Site Design

The petitioner is proposing to remove a small back porch, and expand the rear of the dwelling by enlarging the first floor for additional kitchen area, and adding second floor space for a new bedroom. A new door, landing and set of stairs would be situated next to the addition with access to and from a mudroom off the kitchen. Furthermore, the existing bulkhead would be removed, and space located directly below the proposed addition would be created for additional basement space with a new bulkhead. The existing and proposed rear elevations (below and next page) show the proposed addition.



Existing Rear Façade



Proposed Rear Façade

The proposed modifications would add approximately 270 square feet of floor area to the dwelling and would increase the FAR from 0.44 to 0.47, above the maximum 0.43 (0.41 plus the .02 bonus for meeting new lot setback requirements) allowed by right.

The proposed modifications would not increase the dwelling's height and would meet all other dimensional standards and requirements.

The planning department is unconcerned with the proposed addition due to its location in the rear of the property, which is not visible from a public way; as well as the size of the project.

C. Parking and Circulation

The petitioner is not proposing any changes to parking or circulation

D. Landscaping and Screening

A landscape plan is not required with this petition.

III. 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

Review of this proposal by the Engineering Division is not required at this time. In the event this petition is approved, the Engineering Division will review the project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit.

C. Newton Historical Commission

The petitioner is proposing to alter more than 50% of a side of a historic structure which requires review from the Preservation Planner. The demolition was approved the Chief Preservation Planner per the submitted plans on January 9, 2018 **(Attachment D)**.

IV. 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:** Newton Historical Commission Demolition Review Decision
- Attachment E:** DRAFT Order

Attachment A Zoning Map Nathan Rd., 48

*City of Newton,
Massachusetts*

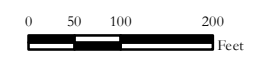
Legend

-  Single Residence 2
-  Multi-Residence 1
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries

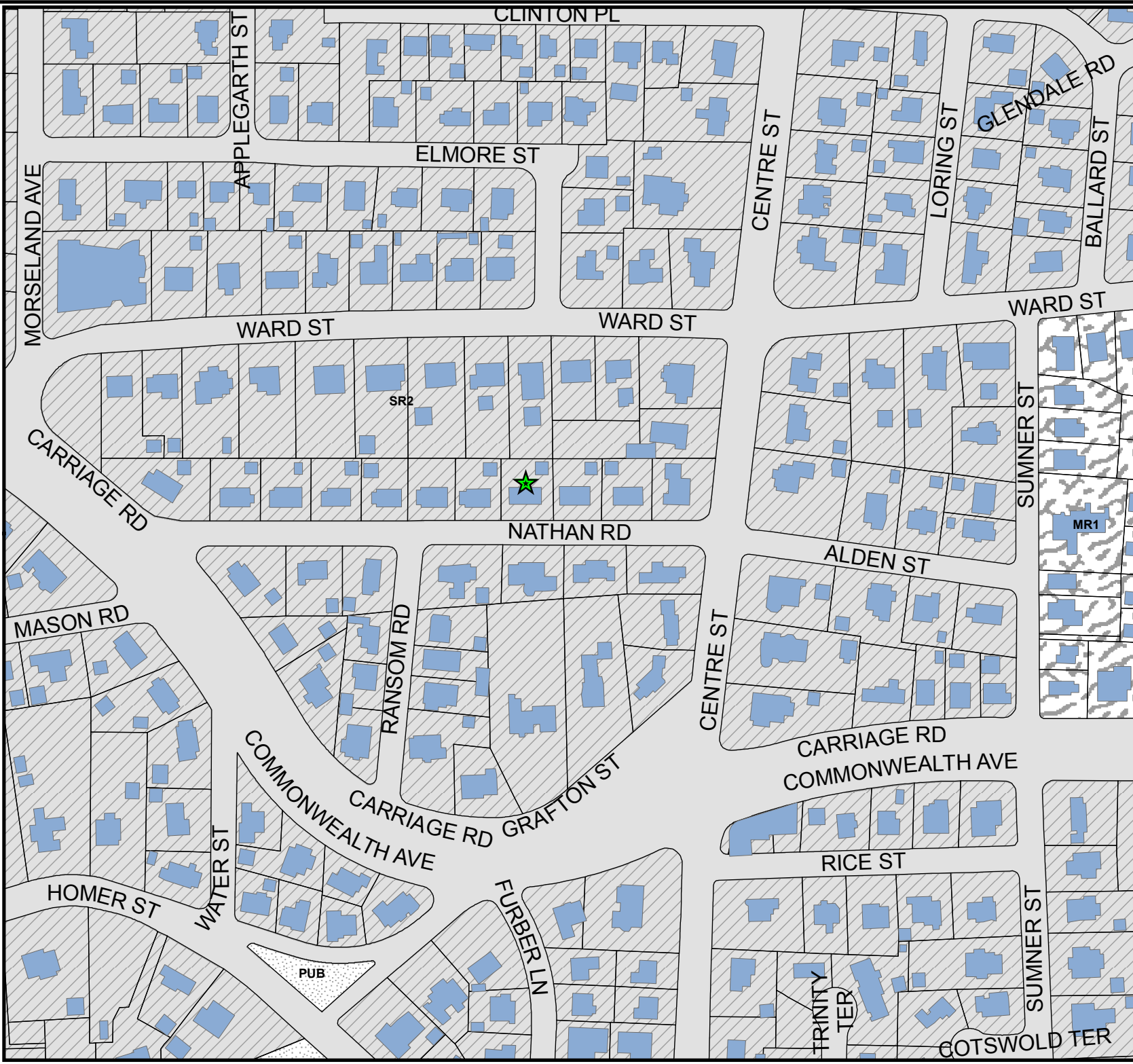


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
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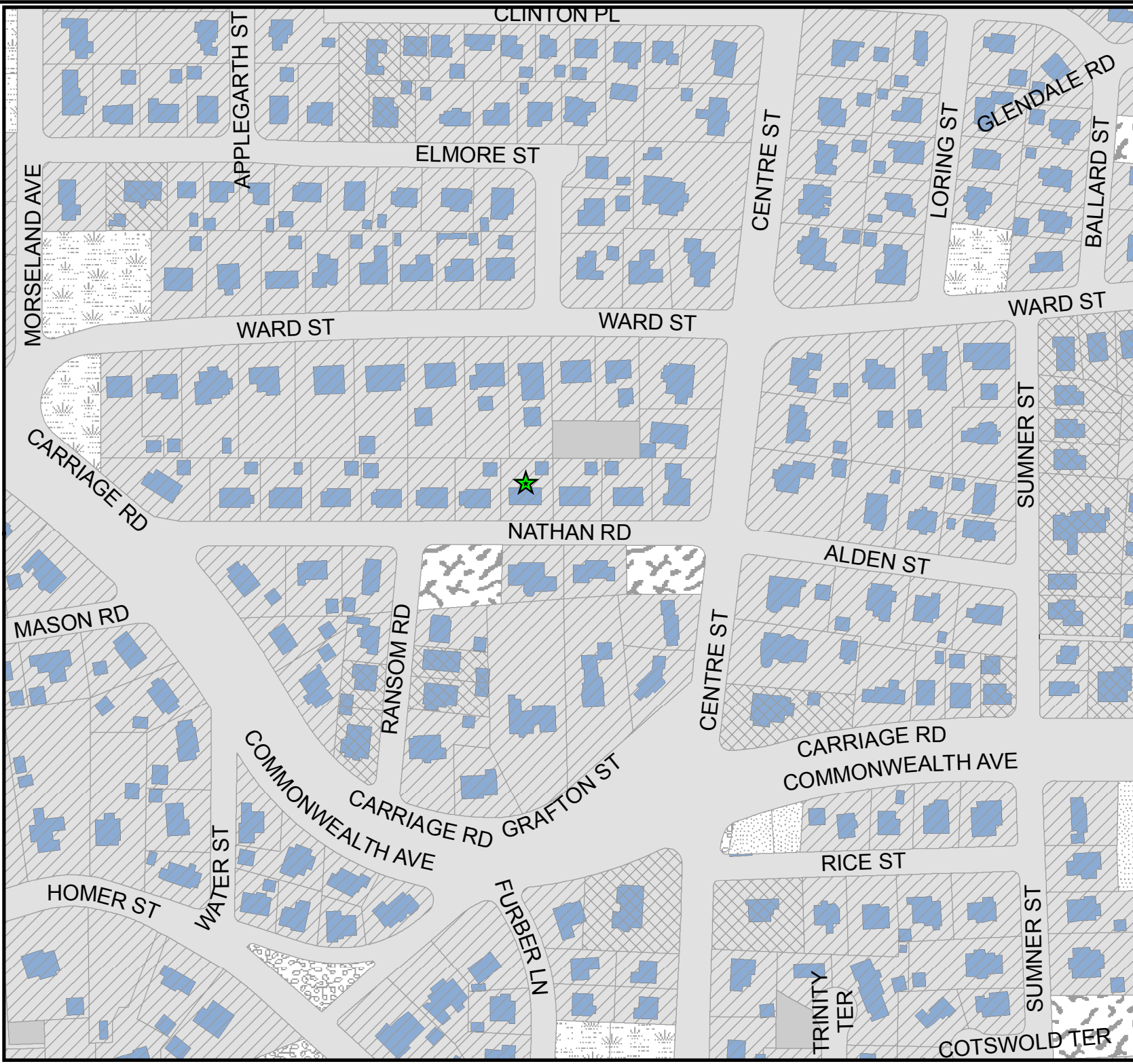


Map Date: February 01, 2018



Attachment B Land Use Map Nathan Rd., 48

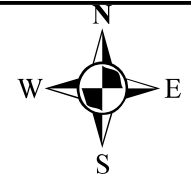
*City of Newton,
Massachusetts*



Legend

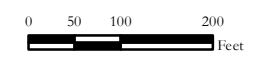
Land Use

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



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ZONING REVIEW MEMORANDUM

Date: September 5, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: David Metcalf, Applicant
Henry Finch, Architect
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to further increase nonconforming FAR and to further extend an existing nonconforming front setback

Applicant: David Metcalf	
Site: 48 Nathan Road	SBL: 13032 0019
Zoning: SR2	Lot Area: 7,983 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 48 Nathan Road consists of a 7,983 square foot lot improved with a single-family dwelling constructed in 1930 and a detached two-car garage. The applicant proposes to construct a two-story rear addition which adds a total of 270 square feet. The additions 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 David Metcalf, applicant, submitted 7/11/2017
- FAR Worksheet, submitted 7/11/2017
- Existing Conditions Plan, prepared by Everett M. Brooks, surveyor, dated 6/14/2017
- Proposed Conditions Plan, signed and stamped by Bruce Bradford, surveyor, dated 7/10/2017
- Floor Plans, modified by Henry Finch, Architect, dated 7/1/2017

ADMINISTRATIVE DETERMINATIONS:

- The applicants’ existing FAR is .44, where .43 (.41 plus the .02 bonus as the addition meets new lot setback requirements) is the maximum allowed. The proposed two-story rear addition adds 270 square feet to the dwelling, resulting in an FAR of .47. 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	7,983 square feet	No change
Frontage	100 feet	80 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	26.6 feet 13.3 feet 40.2 feet	No change No change 37.8 feet
Max Number of Stories	2.5	2.5	No change
FAR	.43 (.48+.02)	.44	.47
Max Lot Coverage	30%	22.4%	24.7%
Min. Open Space	50%	66%	64%

- 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



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Newton Historical Commission Demolition Review Decision

Date: 1/9/18 Zoning & Dev. Review Project# 18010030

Address of structure: 48 Nathan Road

Type of building : House

If partial demolition, feature to be demolished is portion side, rear

The building or structure:

is is not x in a National Register or local historic district not visible from a public way.

is is not x on the National Register or eligible for listing.

is is not x importantly associated with historic person(s), events, or architectural or social history

is X is not historically or architecturally important for period, style, architect, builder, or context.

is is not x located within 150 feet of a historic district and contextually similar.

is **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is X **HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

X **APPROVES** the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

 DOES NOT APPROVE and the project requires
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is **PREFERABLY PRESERVED – (SEE BELOW).**

Delay of Demolition:

 is in effect until

 has been waived - see attached for conditions **

Determination made by:

Review of final plans
required _____

Owner of Record:

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.

DRAFT #66-18
48 Nathan Road

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 (FAR) from 0.44 to 0.47 where 0.43 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 FAR will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as it will be adding 270 square feet to the structure. (§3.1.9 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR will not be substantially more detrimental than the existing nonconforming FAR is to the neighborhood because the addition is to the rear of the structure. (§3.1.9 and §7.8.2.C.2)

PETITION NUMBER: #66-18

PETITIONER: David Metcalf

LOCATION: 48 Nathan Road, on land known as Section 13, Block 32, Lot 19, containing approximately 7,983 sq. ft. of land

OWNER: David Metcalf

ADDRESS OF OWNER: 48 Nathan Road
Newton, MA

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9, §7.4, §7.3.3, and §7.8.2.C.2, to further increase the nonconforming FAR

ZONING: Single Residence 2 (SR2) 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. A plan showing #48 Nathan Road entitled "Proposed Additions," prepared by Everett M. Brooks Co., dated July 10, 2017, stamped and signed by Bruce Bradford, Professional Land Surveyor.
 - b. A set of plans entitled "Metcalf Residence, 48 Nathan Road, Newton, MA," signed and stamped by Henry Finch, Professional Architect:
 - i. Existing First Floor Plan (EX-1) dated October 6, 2017;
 - ii. Existing Elevation Front, South (EX-2-1) dated October 6, 2017;
 - iii. Existing Elevation Side, East (EX-2-2) dated December 1, 2017;
 - iv. Existing Elevation Rear, North (EX-2-3) dated December 1, 2017;
 - v. Existing Elevation Side, West (EX-2-4) dated December 1, 2017;
 - vi. Existing Second Floor Plan (EX-4) dated October 6, 2017;
 - vii. Proposed Basement Floor Plan (A1-0) dated January 3, 2018;
 - viii. Proposed First Floor Plan (A1-1) dated January 3, 2018;
 - ix. Proposed Second Floor Plan (A1-2) dated January 3, 2018;
 - x. Proposed Roof Plan (A1-4) dated January 3, 2018;
 - xi. Proposed Front Elevation South (A2-1) dated December 1, 2017;
 - xii. Proposed Side Elevation East (A2-2) dated January 3, 2018;
 - xiii. Proposed Rear Elevation North (A2-3) dated January 3, 2018;
 - xiv. Proposed Side Elevation West (A2-4) dated January 3, 2018
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 order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded 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.

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, including the floor area ratio (FAR) 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 licensed land surveyor.
 - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.