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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 13, 2015
Land Use Action Date: November 17, 2015
Board of Aldermen Action Date: December 21, 2015
90-Day Expiration Date: January 12, 2016

DATE: October 9, 2015

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 #228-15**, JENNIFER TJIA & JANE GIVENS, for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to add a dormer to the existing attic, which will expand an existing single-family dwelling from 2½ stories to 3½ stories at 30 MOULTON STREET, Ward 4, Newton Lower Falls, on land known as SBL 42, 32, 38 and 37, containing a total of 8,143 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 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.



30 Moulton Street

EXECUTIVE SUMMARY

The Planning Department would like to clarify one aspect of the docket description, the residential structure is 3½-stories and is not 2½-stories as noted.

The property located at 30 Moulton Street consists of an 8,143 square foot lot, and is improved with a nonconforming 3½-story single-family dwelling, which was constructed in 1929. The residence is considered nonconforming since the existing topography of the site slopes down significantly from the northwest corner of the property to the southern side such that the basement is considered the first floor and makes the structure a 3½-story building. The petitioner is proposing to enlarge the partially finished attic floor by constructing a dormer on the rear of the dwelling, which will add approximately 107 square feet. The dormer as designed complies with all the dimensional controls governing dormers in §30-15(t) of the Newton Zoning Ordinance (NZO). In order to construct the dormer as proposed, the petition is seeking a special permit to increase the nonconforming nature of the structure.

The Planning Department has no concerns with this petition. The *Newton Comprehensive Plan*, adopted in 2007, encourages residential property owners to consider modest additions to older home in order to preserve the existing structure, while allowing them to meet the needs of today's families. The petitioner's proposed dormer addition accomplishes this objective, while maintaining the structure and surrounding residential character of the neighborhood, and without any increase to the footprint of the building or reduction in open space on the lot.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed dormer addition, which increases the nonconforming nature of an existing 3½-story structure by enlarging the attic level by approximately 107 square feet, will not be substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood. (§30-21(b))
- The proposed addition is appropriate for the existing structure and the surrounding residential neighborhood, as it is located at the rear of the dwelling. (§30-24d(1))
- The proposed dormer located on the rear and side elevation of the house will not adversely affect the neighborhood, as it is not visible from the Street. (§30-24d(2))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located along Moulton Street, near to the intersection of Moulton Street and Grove Street. The subject property is developed with a single-family residence, and is surrounded by properties containing single- and multi-family residences, commercial uses, and non-profit or tax exempt organizations (**Attachment A**). The property is located in an area zoned Single Residence 3, and is proximate to other parcels zoned Single Residence 2, Multi-Residence 1 and 2, Business 1 and 5, and Open Space/Recreation (**ATTACHMENT B**).

B. Site

The property consists of 8,143 square feet of land, and is improved with a nonconforming 3½-story single-family dwelling. The residential structure is considered nonconforming since it is considered a 3½-story structure. The topography of the site slopes down significantly from the northwest corner of the property to the southern side, with an elevation change of approximately 13 feet (**ATTACHMENT C**). The dwelling is accessed by a gravel driveway on the southern side of the property. The property has a significant number of mature trees that partially screen the subject residence from surrounding properties.

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 partially finished attic level of the residence by constructing a dormer on the rear side of the building (opposite Moulton Street). The proposed dormer will enlarge the attic level by approximately 107 square feet, for a total attic floor of 362 gross square feet, to provide more living space without increasing the footprint of the structure. The dormer as designed will be constructed using wood-framed construction and complies with all the dimensional controls governing dormers in §30-15(t) of the NZO. The addition will not be visible from Moulton Street.

The Planning Department has no concerns with this petition, and is supportive of this modest expansion to an existing house with no increase to the building footprint.

C. Parking and Circulation

There will be no change to the parking or circulation configuration on the site.

D. Landscape Screening

No landscape plan was required for this petition. Existing mature trees on the site and abutting parcels appear adequate to screen the proposed dormer extension.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT A**) 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 relief:

- §30-21(b) to allow an increase of the nonconforming nature of an existing 3½-story structure by constructing a dormer on the attic level.

B. Engineering Review

As the petition is not increasing the level of impervious surfaces on the lot by 4%, or 400 square feet, or altering the landscape of the site in a way that results in the alteration of the surface water runoff to abutting properties or erosion of soil, no review by the Engineering Division of Public Works is required.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:









- ATTACHMENT A:** Land Use Map
ATTACHMENT B: Zoning Map
ATTACHMENT C: Topography Map
ATTACHMENT D: Zoning Review Memorandum, dated August 18, 2015

Land Use Map 30 Moulton Street

*City of Newton,
Massachusetts*

ATTACHMENT A

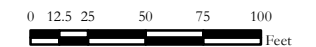
Legend

-  Building Outlines
-  Property Boundaries
- Land Use**
-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Nonprofit Organizations
-  Vacant Land
-  Tax Exempt

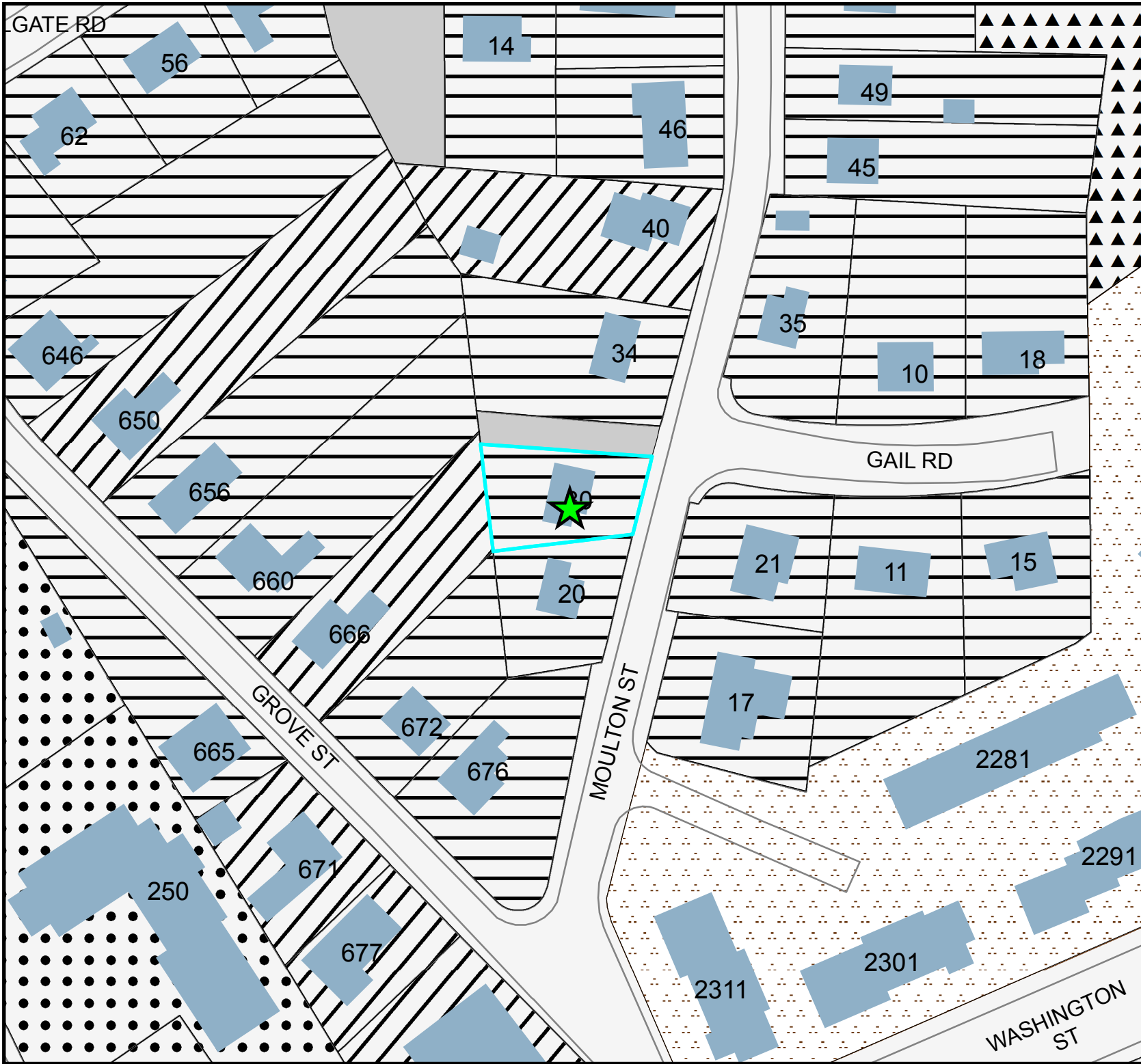


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GIS Administrator - Douglas Greenfield



Map Date: September 22, 2015












Zoning Map 30 Moulton Street

*City of Newton,
Massachusetts*

ATTACHMENT B

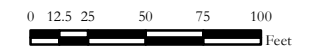
Legend

-  Building Outlines
-  Property Boundaries
-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 5
-  Open Space/Recreation

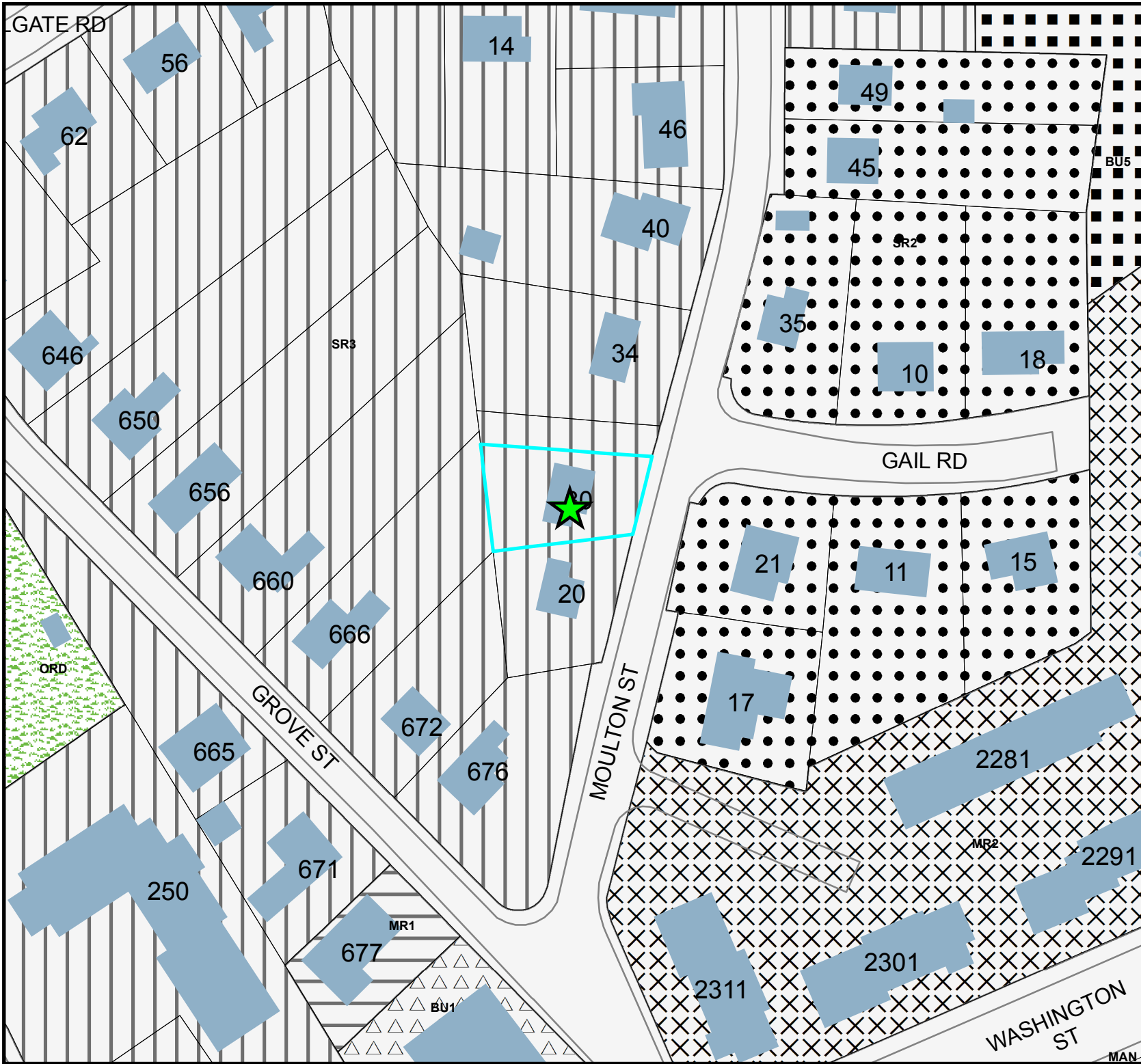


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Map Date: September 22, 2015








Topography Map 30 Moulton Street

*City of Newton,
Massachusetts*

ATTACHMENT C

Legend

-  Building Outlines
-  Property Boundaries
-  Two Foot Contour
-  Index (10 Foot) Contour
-  Wall

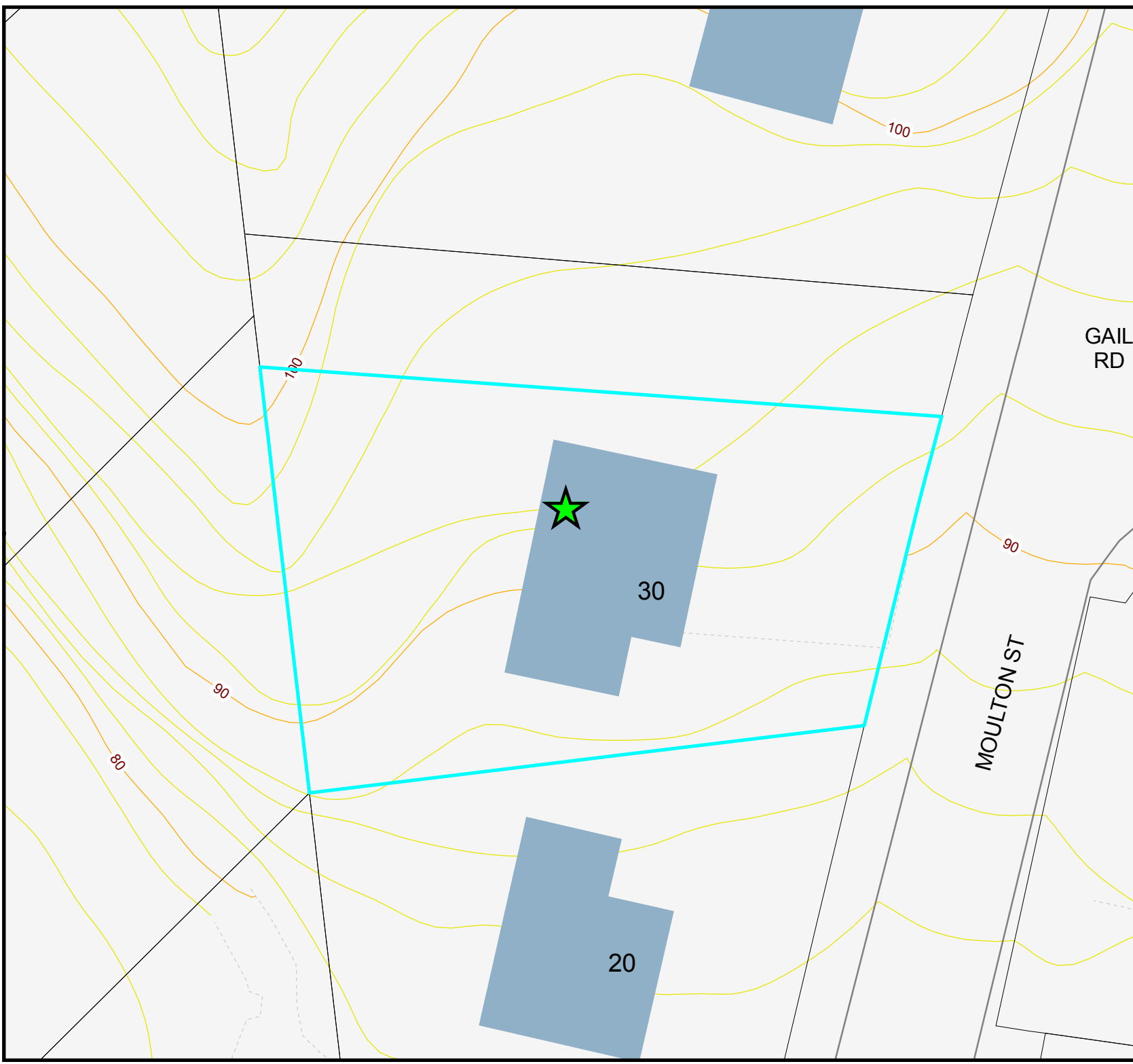


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0 12.5 25
Feet

Map Date: September 22, 2015





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ATTACHMENT D

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: August 18, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Jennifer Tjia & Jane Givens, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to extend a nonconforming structure**

Applicant: Jennifer Tjia & Jane Givens	
Site: 30 Moulton Street	SBL: 42032 0038 and 42032 0037
Zoning: SR-3	Lot Area: 8,143 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 30 Moulton Street consists of two lots totaling 8,143 square feet improved with a single-family residence constructed in 1929. The structure consists of two and a half stories and a basement. The existing topography is such that the basement is considered the first floor, with more than 50% of the basement above grade. As such, the topography creates a three and one half story structure.

The applicants propose to expand the existing partially finished walk-up attic with the addition of a dormer. As the structure is nonconforming due to the number of stories, a special permit is required.

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

- Zoning Review Application, prepared by Jennifer Tjia and Jane Givens, applicants, submitted 8/10/2015
- FAR Worksheet, submitted 8/10/2015
- Plot Plan, signed and stamped by George Collins, surveyor, dated 6/3/2015
- Architectural Plans, prepared by David Sharff, architect, dated 3/10/2015

ADMINISTRATIVE DETERMINATIONS:

1. The maximum number of stories allowed in an SR3 district is 2.5 according to 30-15 Table 1. Due to the significantly downward sloping topography, the existing structure has a walk-out basement, making it a story, thus creating a three-story structure. The addition of an attic dormer further increases the nonconforming nature of the structure, and requires a special permit pursuant to Section 30-21(b) of the Ordinance.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	8,143 square feet	No change
Frontage	70 feet	70 feet	No change
Setbacks			
• Front	25 feet	36.9 feet	No change
• Side	7.5 feet	13.9 feet	No change
• Rear	15 feet	30.1 feet	No change
Building Height	36	32.4 feet	No change
Max Number of Stories	2.5	3.5	No change
FAR	.47 (with bonus)	.25	.27
Max Lot Coverage	30%	11.6%	No change
Min. Open Space	50%	71.2%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table 1 30-21(b)	To extend a nonconforming 3½-story single-family dwelling	S.P. per §30-24