



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:	August 11, 2015
Land Use Action Date:	October 13, 2015
Board of Aldermen Action Date:	October 19, 2015
90-Day Expiration Date:	November 3, 2015

DATE: August 7, 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 #164-15**, LEABMAN REAL ESTATE SERVICES LLC/DUNCAN & ELIZABETH RICHARDSON, for a SPECIAL PERMIT/SITE PLAN APPROVAL to remove an existing deck/hot tub and construct in its place a four season porch with a roof deck at the rear of an existing single-family dwelling, which will increase the Floor Area Ratio from .38 to .40, where .36 is the maximum allowed by right, at 55 MOSSFIELD ROAD, Ward 5 Waban, on land known as SBL 55, 21, 5, containing approximately 13,723 square feet of land in a district zoned SINGLE RESIDENCE 2. Ref.: Sec. 30-24, 30-23, 30-21(b), 30-15((u)(2) 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.



55 Mossfield Road

EXECUTIVE SUMMARY

The property located at 55 Mossfield Road consists of a 13,723 square foot lot improved with a nonconforming single-family residence constructed in 1921. The dwelling is considered nonconforming since the existing floor area ratio (FAR) of 0.38 exceeds the maximum FAR of 0.36 allowed by right. The petitioner is proposing to raze an existing deck and hot tub at the rear of the house, and construct a one-story four season porch with a roof-top deck. In order to construct the addition as proposed, the petitioner is seeking a special permit to increase the nonconforming FAR from 0.38 to 0.40 (or approximately 230 square feet).

The Planning Department is not concerned with this petition, as the design, scale, and size of the proposed addition does not substantially increase the bulk and mass of the home. The Planning Department believes that visibility of the addition from Mossfield Road will be minimal, as the rear portion of the property is substantially screened with a sight-obscuring fence and existing on-site vegetation. Further, the Planning Department observed many similarly designed and sized homes in the surrounding area. The *Newton Comprehensive Plan*, adopted in 2007, encourages residential property owners to consider modest additions to older homes in order to preserve the existing structure, while allowing them to meet the needs of today's families. For the above reasons, the Planning Department believes the proposed addition is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood, and that the addition is not substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The expanded home, which already exceeds the maximum allowable FAR of 0.36 by approximately 323 square feet and is proposed to be increased by another 230 square feet, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§30-15(u)(2) and §30-15(u) Table A)
- The proposed addition, which will increase the current dwelling by approximately 230 square feet, is not substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood. (§30-21(b))
- The site is an appropriate location for the proposed addition. (§30-24(d)(1))
- The proposed addition to the single-family dwelling will not adversely affect the neighborhood. (§30-24(d)(2))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located at the corner of Mossfield Road and Aldan Road. The surrounding neighborhood, including the subject property, is developed with single-family residences (**ATTACHMENT A**). The subject property and immediate area are zoned Single Residence 2 (**ATTACHMENT B**).

B. Site

The property consists of 13,723 square feet of land and is improved with a nonconforming 2½-story single-family dwelling. The dwelling is considered nonconforming since it exceeds the maximum allowable FAR of 0.36 by 0.02. There is vehicular access on the west side of the site via a bituminous driveway off of Aldan Road. The remaining portions of the site consist of lawn (fronts) and a pool (rear).

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 raze an existing deck at the rear of the home, near the in-ground pool, to construct a one-story four season addition with a roof-top deck. The addition will increase the total gross floor area of the home by approximately 230 square feet, for a total dwelling size of approximately 5,494 square feet. A portion of the proposed addition will be visible from Mossfield Road. As a result of the proposed addition, the already nonconforming FAR will be increased from 0.38 to 0.40, where an FAR of 0.36 is the maximum allowed by right.

The Planning Department is not concerned with the design, scale, and size of the proposed addition, as it does not substantially increase the bulk and mass of the home. While portions of the addition will be visible from adjacent streets, the visual impact of the addition appears to be minimal and does not conflict with the character of the neighborhood. Further, the Planning Department observed that many of the surrounding properties are similarly developed with dwellings of comparable size, scale, and design. For the above reasons, the Planning Department believes the proposed addition is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood, and that the addition is not substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood.

C. Parking and Circulation

There will be no changes to the parking or circulation of the site.

D. Landscape Screening

No landscape plan was required for this petition. The Planning Department does not recommend any additional screening measures at this time.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT C**) 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:

- §30-15(u)(2), §30-15(u) Table A, and §30-21(b), to exceed the maximum allowable FAR.

B. Engineering Review

As the petition is not increasing the level of impervious surfaces on the lot by 4% or more, 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 engineering review is required.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time. The Planning Department recommends approval with conditions.

ATTACHMENTS:

ATTACHMENT A: Land Use Map

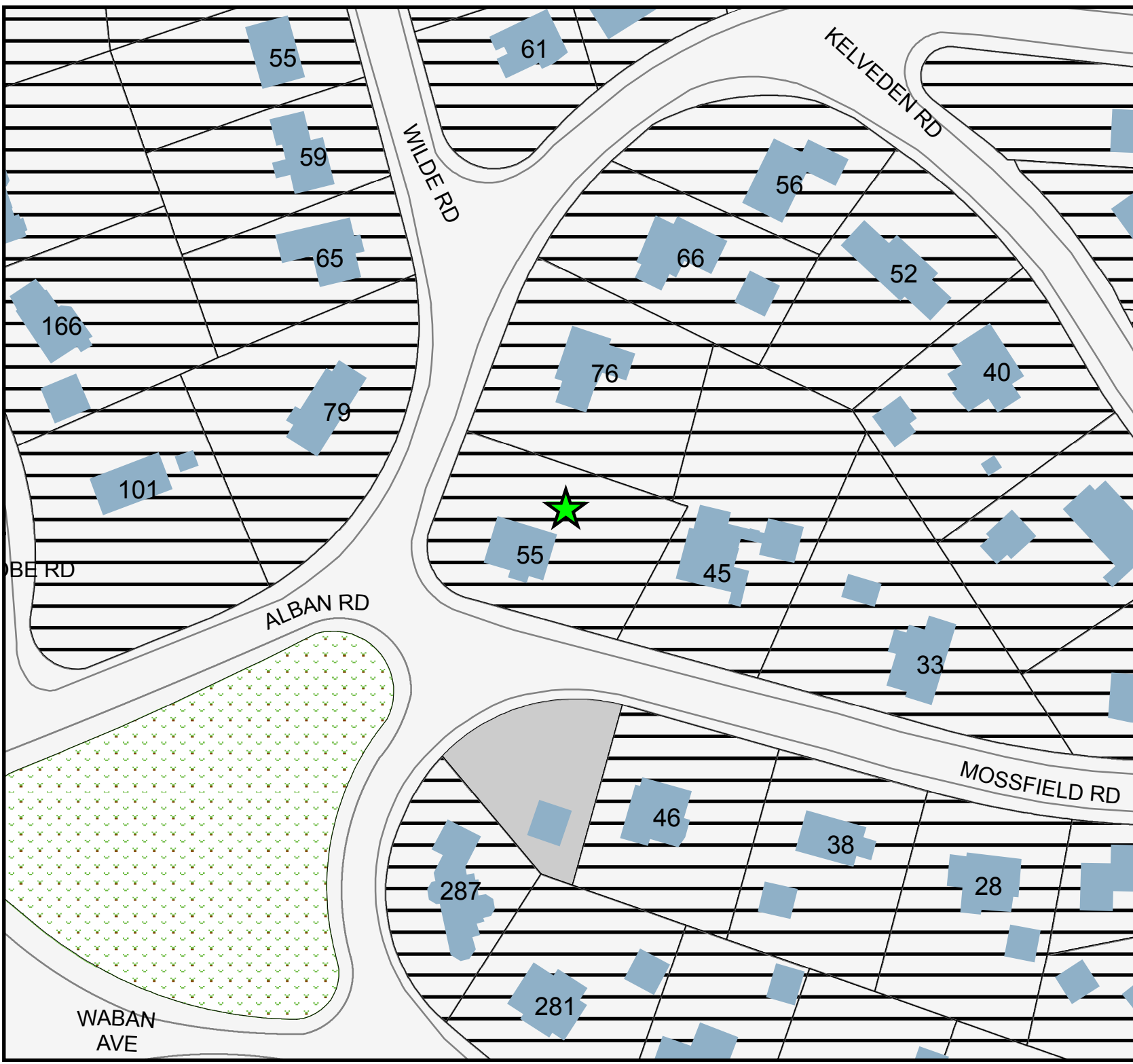
ATTACHMENT B: Zoning Map

ATTACHMENT C: Zoning Review Memorandum, dated June 17, 2015

Land Use Map 55 Mossfield Road

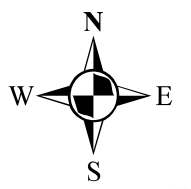
*City of Newton,
Massachusetts*

ATTACHMENT A



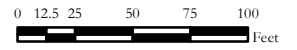
Legend

- Building Outlines
- Property Boundaries
- Land Use**
- Single Family Residential
- Open Space
- Vacant Land



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: July 27, 2015

Zoning Map 55 Mossfield Road

*City of Newton,
Massachusetts*

ATTACHMENT B

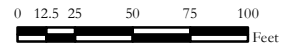
Legend

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

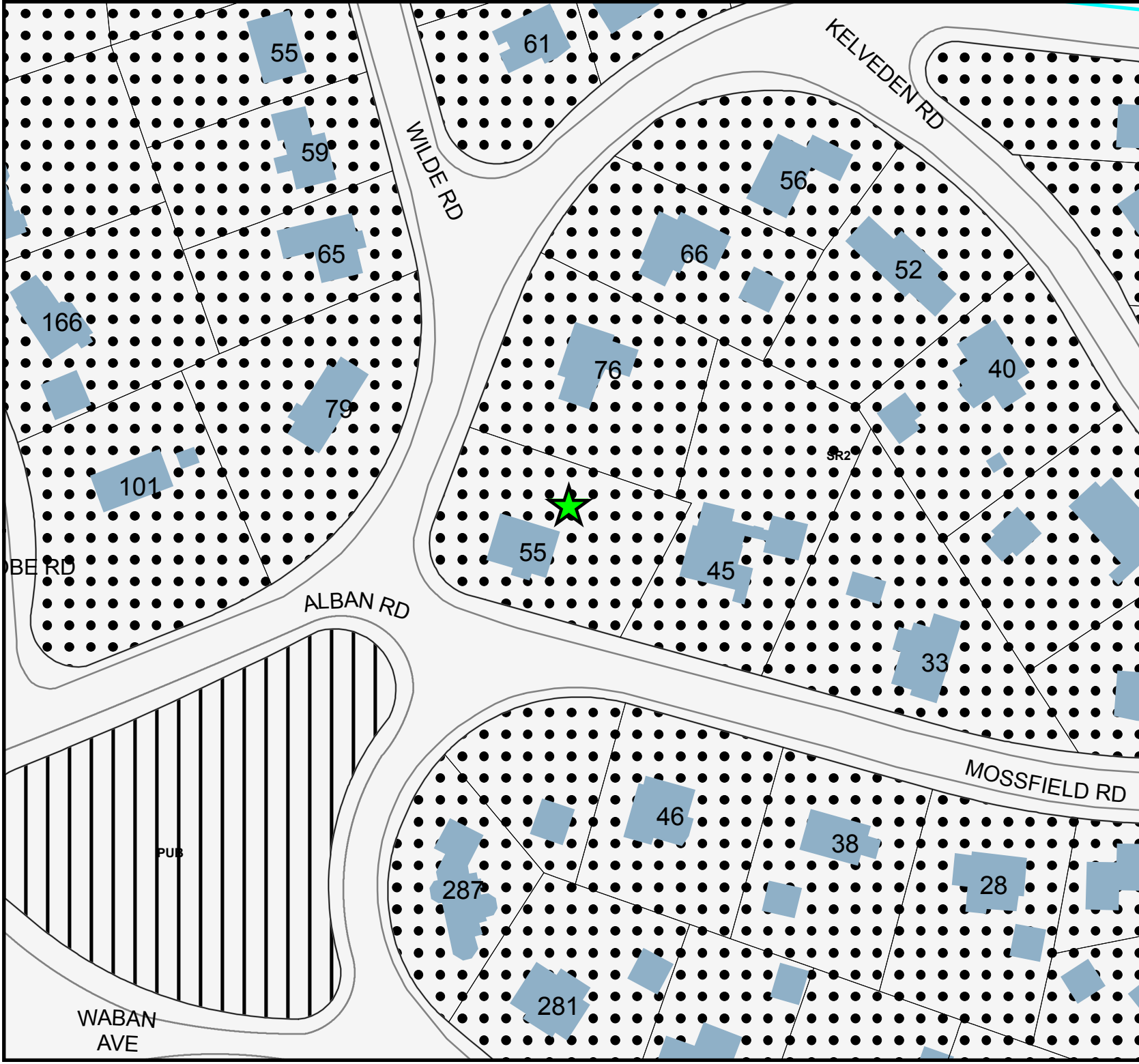


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Map Date: July 27, 2015





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ATTACHMENT C

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: June 17, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Michael Leabman, Leabman Real Estate Services
Duncan and Elizabeth Richardson, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend nonconforming FAR

Applicant: Duncan and Elizabeth Richardson	
Site: 55 Mossfield Road	SBL: 55021 0005
Zoning: SR-2	Lot Area: 13,723 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 55 Mossfield Road consists of a 13,723 square foot lot improved with a single-family residence constructed in 1921 at the corner of Mossfield Road and Alban Road. The applicants propose to remove an existing deck and hot tub, and construct a four season porch with a roof deck above at the rear of the house adjacent to an in-ground pool area. The addition will increase the already nonconforming FAR.

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

- Zoning Review Application, prepared by Michael Leabman, agent, submitted 5/20/2015
- FAR Worksheet, Michael Leabman, agent, dated 5/11/2015
- Proposed Conditions Plot Plan, signed and stamped by Verne T. Porter, surveyor, dated 5/4/2015
- Architectural Plans, signed and stamped by Michael Leabman, architect, dated 5/11/2015
 - Floor Plan
 - Roof Plan
 - Side Elevation
 - Rear Elevation
 - Building Section

- Foundation and 1st Floor Plan
- Roof Framing Plan

ADMINISTRATIVE DETERMINATIONS:

1. The applicants’ existing nonconforming FAR is .38, where .36 is the maximum allowed. The proposed addition results in an FAR of .40. A special permit pursuant to Sections 30-15(u)(2) and 30-21(b) is required.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	13,723 square feet	No change
Frontage	80 feet	135.76 feet	No change
Setbacks			
• Front			
Mossfield Rd	25 feet	25.8 feet	No change
Alban Rd		28.9 feet	No change
• Side	7.5 feet	47.8 feet	45.3 feet
• Rear	15 feet	16.9 feet	16.6 feet
Building Height	36	27.65 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.36	.38	.40
Max Lot Coverage	30%	16.47%	19.10%
Min. Open Space	50%	73.27%	70.64%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15(u)(2) 30-21(b)	To extend nonconforming FAR	S.P. per §30-24