



Setti D. Warren
Mayor

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

#130-17
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 6, 2017
Land Use Action Date: August 8, 2017
City Council Action Date: August 21, 2017
90-Day Expiration Date: September 4, 2017

DATE: June 2, 2017

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #130-17**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to exceed the floor to area ratio from .19 to .28 where .27 is the maximum allowed by-right, allow a private garage in excess of 700 square feet, and allow a private garage accommodating more than three vehicles at **164 Highland Avenue**, Ward 2, West Newton, on land known as SBL 24, 12, 20 containing approximately 22,230 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. §3.1.9, §3.4.2.C.1 and §7.3.3, 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.



164 Highland Avenue

EXECUTIVE SUMMARY

The property located at 164 Highland Avenue consists of a 20,230 square foot lot improved with a mansard-style Colonial Revival single-family residence circa 1890. The site is also improved with a detached two-car garage constructed in 1940. The property is located in the Single Residence 1 (SR-1) zone in West Newton. The petitioner is proposing to raze the existing garage along with a rear portion of the dwelling to construct a rear two-story addition with an attached six-car garage. The proposed additions surpass the allowable floor area ratio (FAR) for the lot, and will result in a private garage greater than 700 square feet accommodating more than three vehicles; therefore, the petitioner requires a special permit to exceed the FAR from .19 to .28, where .27 is the maximum allowed by-right and to allow a private garage of approximately 1,500 square feet accommodating six vehicles.

The Planning Department notes the subject property feet is larger than the median lot size of the twenty-nine properties within 300 feet. In addition, the mansard-style roof of the dwelling classifies the structure as a three-story structure; thereby increasing the FAR of the lot. Staff notes the proposed additions are in keeping with the architecture of the historic dwelling and a significant portion of the garage is located below grade and not visible from the street or to abutting properties. Lastly, staff suggests the petitioner consider installing a fence or more landscaping to complement the existing landscaping along the eastern boundary.

SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in FAR from .19 to .28, where .27 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 §7.3.3).
- The specific site is an appropriate location for a garage accommodating more than three vehicles and exceeding 700 square feet (§3.4.2.C.1 and §7.3.3.C.1);
- The proposed residence and attached garage as developed and operated will adversely affect the neighborhood (§7.3.3.C.2);
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3); and
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

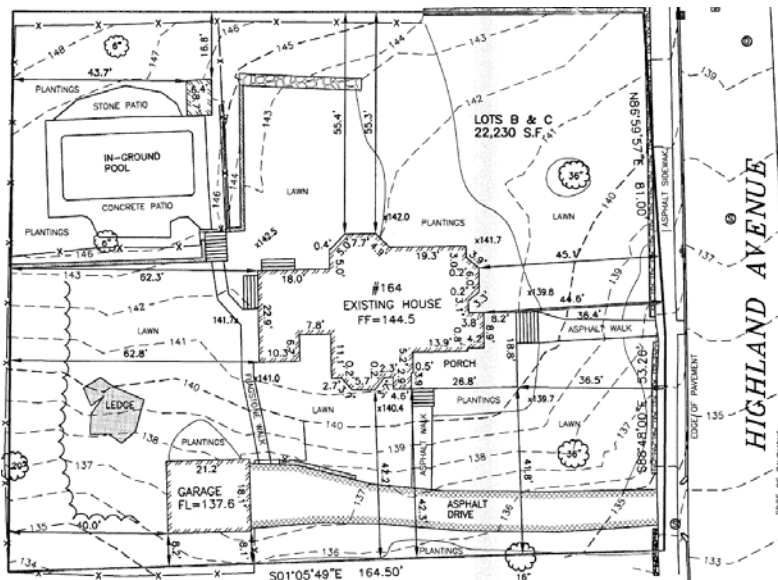
The subject property is located in the SR-1 zone in West Newton. The immediate area and surrounding neighborhood is entirely residential which includes the Single

Residence 1 and Single Residence 2 zones. However there is a Multi-Residence 1 (MR-1) zone to the north which contains several multi-family uses (**Attachments A & B**). Staff notes the lot, totaling 22,230 square feet, is larger than the median lot size for the 29 properties within 300 feet which is 19,322 square feet. This is partially due to the lot being located in a transition area, where to the east are smaller lot sizes associated with the Newtonville village center, whereas to the west, are larger lots associated with West Newton.

B. Site

The site consists of 22,230 square feet of land, and is improved with a three-story single-family residence circa 1890 and detached two-car garage built in 1940. The existing structure is an example of Colonial Revival architecture. The structure is classified as a three-story structure because the mansard roof allows for an area in the attic greater than two-thirds of the story below. Staff notes that since the petitioner is not proposing to alter this third story, relief to alter a nonconforming structure is not required.

There is an approximately 9 foot wide curb cut at the north east corner of the site providing access to the 100 foot long driveway and the detached two-car garage. The garage is approximately 8.1 feet from the side property line and 40 feet from the rear boundary. There is an in-ground pool with patio areas and a pool house at the southwest corner of the site. There are also a few retaining walls on site, including one along Highland Avenue in the front setback; staff notes these walls do not reach a height of four feet and as a result, do not require relief. The eastern portion of the site has a slight slope, but otherwise the site is predominantly flat. Lastly, the site is sprinkled with mature landscaping and the majority of the side and rear yards are enclosed with fencing.



II. PROJECT DESCRIPTION AND ANALYSIS

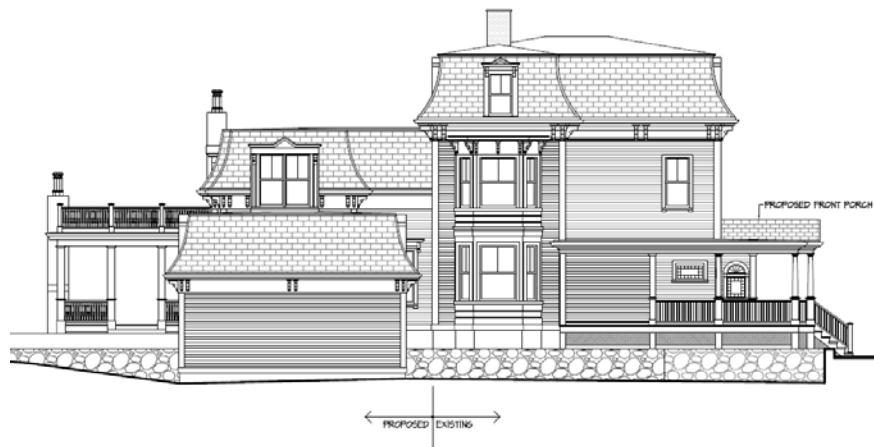
A. Land Use

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

B. Building Design

The petitioner is proposing to raze the existing garage along with a rear portion of the dwelling to construct a rear two-story addition and an attached six-car garage; the petitioner will also be demolishing and reconstructing the front porch to match the character of the dwelling. The attached garage will be constructed to match the mansard style Colonial Revival architecture of the historic dwelling which means the garage will be a two stories tall. The garage will house two vehicles at grade and the four remaining stalls will be located in the garage basement accessed by a lift. As the basement is located below grade, it does not count towards the FAR calculation, but is still included in the sum of the square footage for garage space as a whole. In total, the garage space is approximately 1,500 square feet, 600 square feet of which is at grade.

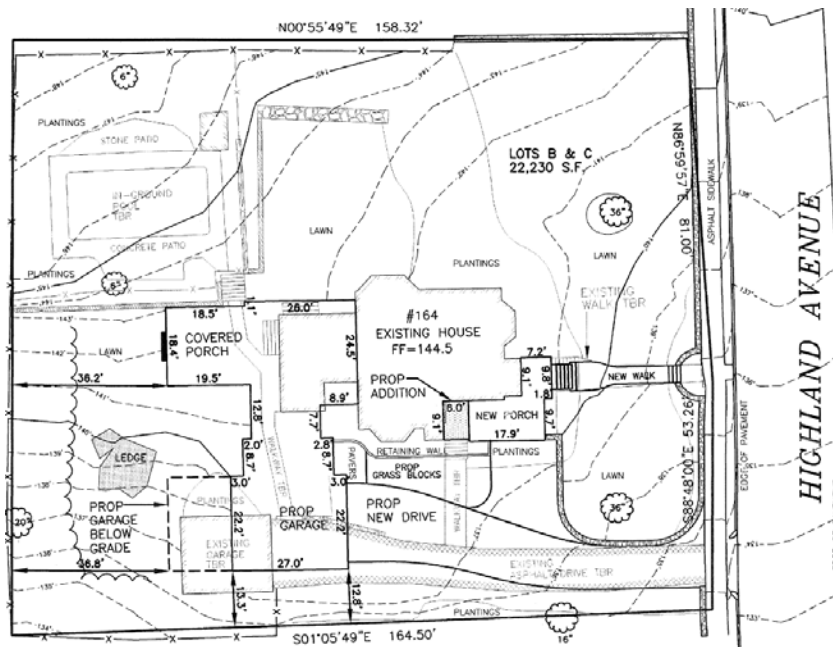
The garage will be constructed closer towards Highland Avenue to maintain the same plane as the rear of the dwelling and will be setback 80 feet, which is more than twice the required front setback. Additionally, the garage will be setback 12.8 feet and 36.8 feet from the side and rear boundaries, respectively. The proposed left perspective (below) shows the garage with an approximate height of 16.5 feet. Staff notes the height of the garage is subordinate to the principle structure as the main ridgeline of the dwelling reaches a height of 34.8 feet. The garage will be connected to the main structure via a mudroom, half-bathroom, and laundry room. Lastly, staff notes the second floor of the garage will be used as storage space as it does not connect to the second floor of the principle structure.



In addition to the garage, the petitioner is proposing to demolish a two-story portion of the rear of the structure. In turn, the petitioner proposes to reconstruct a two-story addition largely on the same footprint with decks at the first and second floor. The first floor of the addition will consist of additional living space, and will provide access to the first floor of the deck which will be covered. The second floor of the addition will contain a master suite with private access to the second floor deck, which will serve as a balcony. Staff notes these deck spaces are separate, as exterior access from floor to floor is not shown on the plans. The two-story addition and attached deck will decrease the rear setback from 62 to 36 feet.

C. Site Design

In conjunction to the addition, the petitioners are proposing to demolish and regrade the pool area along with the retaining walls and fences at the southwest corner of the site. Other changes include the installation of grass blocks and pavers at the northeast corner of the structure to facilitate turns exiting the garage. Otherwise, there are no other major changes proposed.



D. Parking and Circulation

As stated above, the petitioner is proposing to demolish the existing detached garage and construct an attached six-car garage maintaining the same plane as the rear of the dwelling. As a result of orienting the garage with this plane, the length of the driveway will be reduced by approximately 18 feet. The proposed driveway will be constructed of asphalt and will have a slight "S" shape to meet the garage. The S-

shaped design will allow for greater maneuverability, but suggests vehicles will exit the garage and utilize the proposed pavers to conduct a turn in order to have the vehicles “face forward” when exiting onto Highland Avenue. The Planning Department suggests the petitioner consider additional landscaping or consider a fence to prevent any headlight trespass onto the abutter’s property at 156 Highland Avenue.

E. Landscaping and Screening

Staff notes there is some existing landscaping along the eastern boundary which will help screen the proposed additions from the abutter at 156 Highland Avenue. However, as noted above, staff suggests the petitioner consider installing additional landscaping or a fence to supplement the landscaping and prevent light trespass from vehicle headlights onto the neighbor’s property. Additionally, there is a row of arborvitae trees which appear to be on the neighbor’s land at the rear boundary which will help screen the additions.

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 §7.3.3 of Section 30, to exceed the maximum FAR; and
- §3.4.2.C.1 and §7.3.3 of Section 30, to allow a private garage in excess of 700 square feet accommodating more than three vehicles.

B. Engineering Review

The proposed additions will trigger the City’s policy of requiring a drainage analysis when an increase of impervious area is greater than 4% of the lot area. If approved, a drainage analysis will need to be conducted for onsite collection and infiltration of stormwater runoff.

C. Historic Review

As the petition requires the total demolition of the garage and partial demolition of a structure greater than fifty years old, approval was required from the Newton Historical Commission (NHC). The petitioner received approval from the NHC on November 6, 2015 for the partial demolition of the structure while the total demolition of the garage was approved on May 4, 2017.

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:** DRAFT Order

Attachment A Zoning Map Highland Ave., 164

*City of Newton,
Massachusetts*

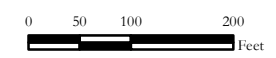
Legend

- Single Residence 1
- 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
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: May 17, 2017



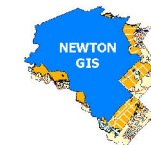
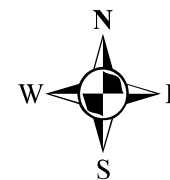
Attachment B Land Use Map Highland Ave., 164 *City of Newton, Massachusetts*

Legend

Land Use

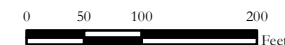
Land Use

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

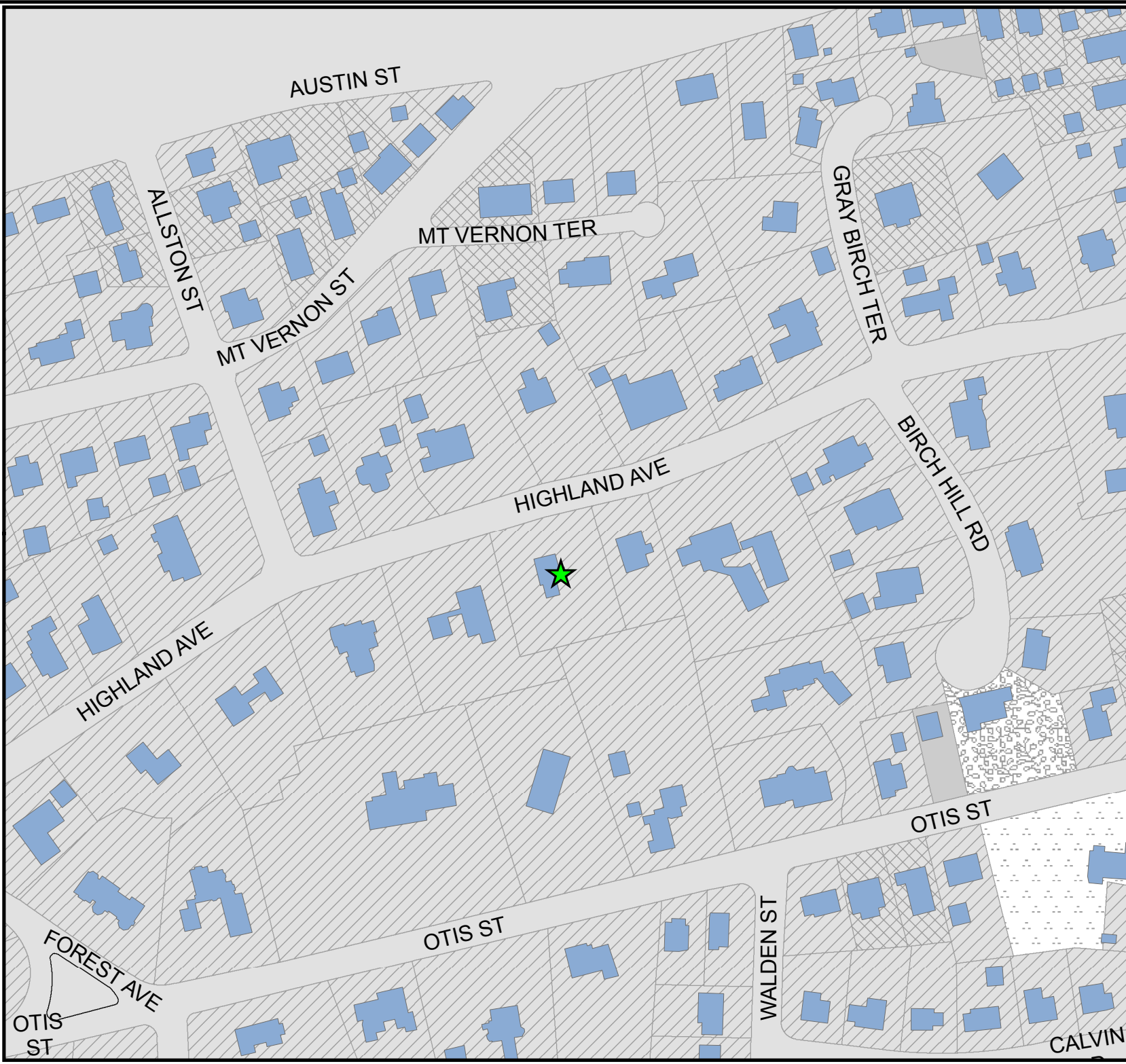


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: May 17, 2017





Setti D. Warren
Mayor

Attachment C

City of Newton, Massachusetts
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TDD/TTY
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Barney S. Heath
Acting Director

ZONING REVIEW MEMORANDUM

Date: March 16, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan Mayer, architect
Robert and Cindy Laughrea, applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR

Applicant: Robert and Cindy Laughrea	
Site: 164 Highland Avenue	SBL: 24012 0020
Zoning: SR1	Lot Area: 22,230 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 164 Highland Avenue consists of a 22,230 square foot lot improved with a single-family dwelling constructed circa 1890 in the Single Residence 1 zoning district. The applicants propose to demolish a rear portion of the dwelling, the front porch and a detached garage structure, and then to construct a two-story rear addition consisting of living space, and to reconstruct the front porch. The applicants also propose to construct an attached garage housing six cars, two at surface level and four in the basement level accessed via two vehicle elevators.

A special permit is required to exceed allowable FAR, and to allow a garage with more than 700 square feet in area and with provision for more than three vehicles.

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

- Zoning Review Application, prepared by Alan Mayer, architect, submitted 1/23/2017
- FAR Worksheet, submitted 1/23/2017
- Plan of Land, signed and stamped by Bruce Bradford, surveyor dated 12/23/2015
- Proposed Site Plan, prepared by Mayer and Associates, architect, dated 1/23/2017
- Architectural Plans, prepared by Mayer and Associates, architect, dated 1/23/2017, revised 3/3/2017

- Existing Conditions
- Existing Elevations
- Proposed Conditions
- Proposed Elevations

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to construct a two-story rear addition to the dwelling consisting of a mudroom and bath on the first floor and a master bedroom suite on the second, as well 593 square feet of attached garage space with attic space above. The additions increase the square footage by 2,068 square feet for a total of 6,315 square feet. This figure does not include the 920 square feet of basement garage space, as it is completely underground and does not count toward FAR. The additions increase the FAR from .19 to .28, where the maximum allowed is .27. Per Section 3.1.9, a special permit is required to allow for an FAR of .28, where .27 is the maximum allowed.

2. Section 3.4.2.C.1 requires a special permit for a private garage with provisions for more than three vehicles and with more than 700 square feet in area. The applicant proposes a 1,513 square foot two-story garage space with two vehicle elevators accommodating six vehicles, two at surface level and four in a basement level. A special permit is required to create a 1,513 square foot private garage for six vehicles.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	22,230 square feet	No change
Frontage	100 feet	135 feet	No change
Setbacks			
• Front	25 feet	36.5 feet	No change
• Side	12.5 feet	42.2 feet	12.8 feet
• Rear	25 feet	62.3 feet	34.6 feet
Building Height	36	33.5 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.27	.19	.28
Max Lot Coverage	20%	10.3%	12.8%
Min. Open Space	65%	82%	80%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9	Request to exceed FAR	S.P. per §7.3
§3.4.2.C.1	Request to allow a private garage in excess of 700 square feet	S.P. per §7.3
§3.4.2.C.1	Request to allow a private garage accommodating more than three vehicles	S.P. per §7.3

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

CITY OF NEWTON
IN CITY COUNCIL

June 19, 2017

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 exceed the Floor Area Ratio (FAR) from .19 to .28, where .27 is the maximum allowed by-right and allow a private garage of 1,500 square feet accommodating six vehicles, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed increase of FAR from .19 to .28, where .17 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 as the additions are setback more than twice the required distance from the street and the additions match the architecture of the historic dwelling (§3.1.9 and §7.3.3).
2. The specific site is an appropriate location for a private garage of 1,500 square feet accommodating more than three vehicles as 900 square feet of garage space is located below grade and therefore not visible from the street (§3.4.2.C.1 and §7.3.3.C.1).
3. The proposed residence and attached garage as developed and operated will adversely affect the neighborhood as the additional garage space and vehicles will be located underground (§7.3.3.C.2).
4. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #130-17

PETITIONER: Robert Laughrea

LOCATION: 164 Highland Avenue, on land known as Section 24, Block 12, Lot 20, containing approximately 22,230 square feet of land

OWNER: Robert Laughrea

ADDRESS OF OWNER: 164 Highland Avenue
Newton, MA 02465

TO BE USED FOR: Single-Family dwelling with attached six car garage

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3.3, to construct a single family dwelling with an FAR exceeding the maximum allowed by-right; §3.4.2.C.1 and §7.3.3 to allow a private garage of 1,500 square feet accommodating six vehicles

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, Professional Land Surveyor, dated April 21, 2017.
 - b. Architectural Plans and Elevations, signed and stamped by Alan J. Mayer, Registered Architect, dated April 12, 2017 consisting of seventeen (17) sheets:
 - i. A1-0 Existing Conditions, Basement Plan;
 - ii. A1-1 Existing Conditions, First Floor Plan;
 - iii. A1-2 Existing Conditions, Second Floor Plan;
 - iv. A1-2 Existing Conditions, Third Floor Plan;
 - v. A2-1 Existing Conditions, Existing Front Elevation;
 - vi. A2-2 Existing Conditions, Existing Side Elevation;
 - vii. A2-3 Existing Conditions, Existing Rear Elevation;
 - viii. A2-4 Existing Conditions, Existing Side Elevation;
 - ix. A3-0 Proposed Additions, Basement Plan;
 - x. A3-1 Proposed Additions, First Floor Plan;
 - xi. A3-2 Proposed Additions, Second Floor Plan;
 - xii. A3-3 Proposed Additions, Third Floor Plan;
 - xiii. A4-1 Proposed Additions, Proposed Front Elevation;
 - xiv. A4-2 Proposed Additions, Proposed Side Elevation;
 - xv. A4-3 Proposed Additions, Proposed Rear Elevation; and
 - xvi. A4-4 Proposed Additions, Proposed Side Elevation.

2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
3. Prior to the issuance of any Building Permits, the petitioners shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should shall include at a minimum:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
 - e. A plan for site access and traffic control.
 - f. A plan regulating the delivery of material to the site, including the staging and storage of construction vehicles.
 - g. A plan for rodent control during construction.
 - h. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
4. 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 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.
 - e. Submitted a landscape plan to the Director of Planning and Development.

5. 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 statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built 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.

6. Notwithstanding the provisions of Condition #5 above, the Commissioner of Inspectional Services may issue one or more certificates of occupancy for all or portions of the buildings prior to the installation of final landscaping provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.