



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

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 13, 2016
Land Use Action Date: December 18, 2016
City Council Action Date: January 9, 2017
90-Day Expiration Date: January 11, 2017

DATE: October 7, 2016

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 #310-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to exceed the floor to area ratio (FAR) from .25 to .49 where .40 is the maximum allowed by-right, at **20 Morton Road**, Ward 2, Newton Centre, on land known as SBL 24, 43, 18 containing approximately 8,705 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. §3.1.9, 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.



20 Morton Road

EXECUTIVE SUMMARY

The property located at 20 Morton Road consists of an 8,705 square foot lot improved with a single-family residence constructed in 1921 and a detached garage. The property is located in the Single Residence 2 zoning district in Newton Centre. The petitioners are seeking to raze the existing garage along with an enclosed porch and deck at the rear of the structure in order to construct a two-story addition. The addition will contain a two-car garage as well as increased living space on the first and second floors. In order to pursue the project, the petitioners require a special permit to exceed the floor area ratio (FAR) from .25 to .49, where .40 is the maximum allowed by-right. If approved, the proposed addition will represent a 92% increase of square footage built on the lot.

The dwelling is located in a single residence neighborhood, in which several of the structures are undergoing improvements. The proposed footprint of the addition is on the side of the structure, and will be set back from the street. In addition, the proposed addition will help preserve a structure in a National Register District. For these reasons, the Planning Department believes exceeding the FAR from .25 to .49, where .40 is the maximum allowed by-right will not be in derogation of the size, scale, and design of other structures in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in FAR from .25 to .49, where .40 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).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Morton Road, in a Single Residence 2 District. The neighborhood is in a National Register District containing single-family residences, several of which are undergoing improvements. Outside of the immediate residential neighborhood is Bulloughs Pond to the west, Edmands Park to the North, and Boston College Law School to the northeast (**Attachments A & B**).

B. Site

The site consists of 8,705 square feet of land, and is improved with a 2-story single-family residence built in 1921. There is a detached one-car garage approximately 17' to the east of the dwelling and approximately 50' from the street. The site is predominantly flat, with rows of young arborvitaes on the eastern (side) and the southern (rear) boundaries.

III. 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 applicant is proposing to construct a 2,299 square foot two-story addition to the side and rear of the existing structure which will result in 4,274 square feet built on the lot. The addition will contain a two-car garage and enlarged family room on the first floor and increased living space on the second floor. In addition, a patio will be constructed with a wall (the wall does not require relief) at the rear of the structure. If approved, the structure will be one of the largest in the neighborhood. The median house size in the immediate area is 2,050 square feet with a median lot size of 9,293.

However, the structure next door at 26 Morton is approximately 5,800 square feet on a 16,000 square foot lot. In addition, staff notes that the difference between this petition and a by-right option is approximately 792 square feet. If the project were pursued as of right, the structure would still be one of the largest in the neighborhood.

C. Parking and Circulation

The proposed garage will be aligned to maintain the same plane as the front of the dwelling and allow for two vehicles to park side by side as opposed to tandem. The existing driveway will be shortened by approximately 10' and widened from 10' to approximately 17'. Lastly, the driveway will be curved to meet the realigned garage.

D. Landscape Screening

At the Planning Department's suggestion, the petitioner has agreed to install three arborvitae to screen the addition from the rear neighbors on Hazelton Road. Otherwise, the Planning Department believes the existing landscaping is sufficient.

IV. 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.A.2 and §7.3.3 of Section 30, to exceed the maximum FAR;

B. Other Departmental Review

The addition 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.

The structure is in a National Register District; however the demolition delay was not implemented because the structure was deemed non-contributing to the district. The proposed addition is deemed consistent with the architecture of the existing structure.

V. PETITIONER'S RESPONSIBILITIES

At the Land-Use Committee's Public Hearing or prior to being scheduled for a continued public hearing, the petitioner should be expected to:

- Provide an updated site plan showing the three proposed arborvitaes along the southern boundary at Hazelton Road.






ATTACHMENTS:

- Attachment A:** Zoning Map
Attachment B: Land Use Map
Attachment C: Zoning Review Memorandum
Attachment D: DRAFT Order

Attachment A Zoning Map Morton Rd., 20

*City of Newton,
Massachusetts*

Legend

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

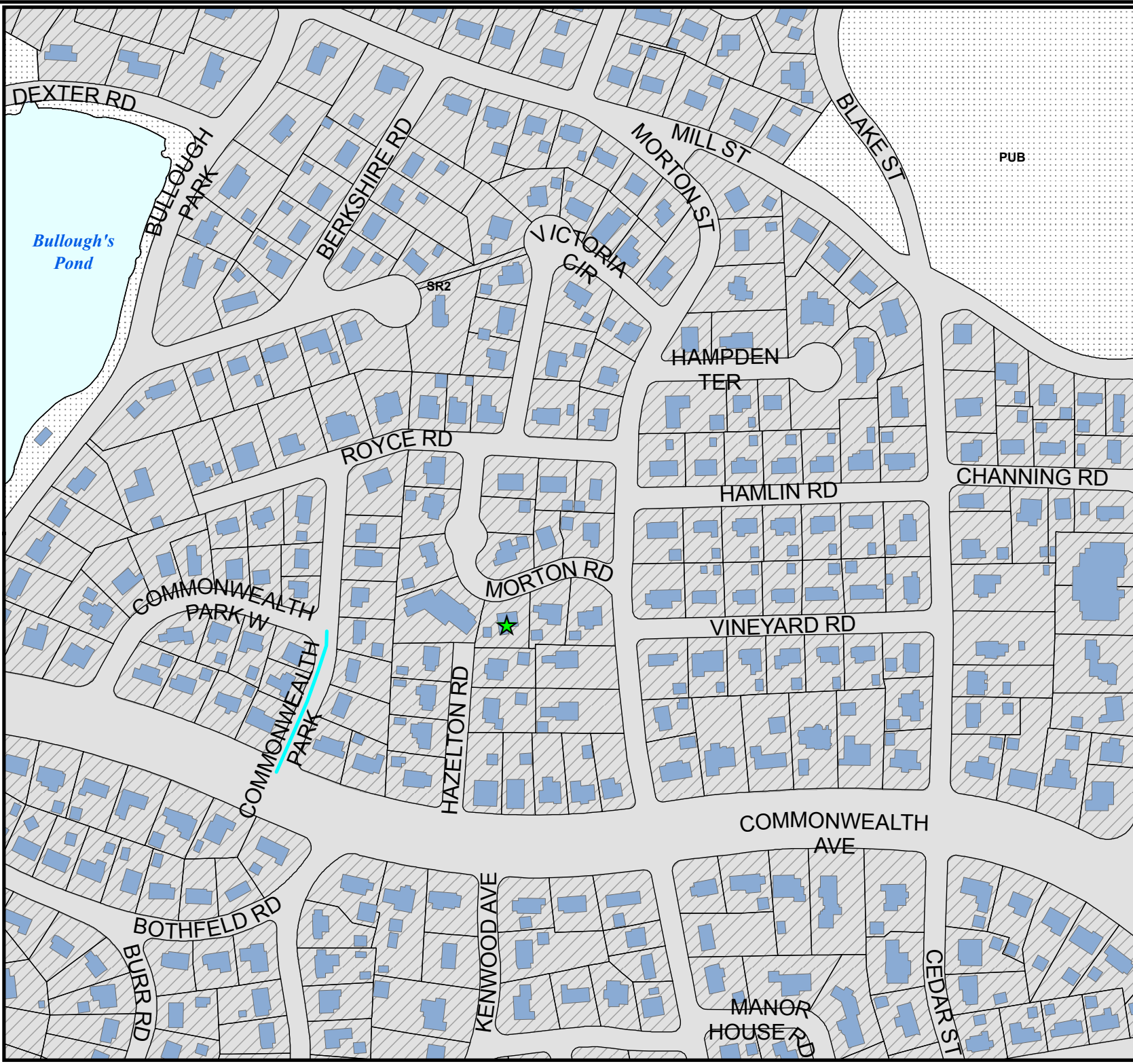


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: September 26, 2016








Attachment B Land-Use Map Morton Rd., 20

*City of Newton,
Massachusetts*

Legend

Land Use

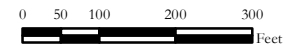
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land

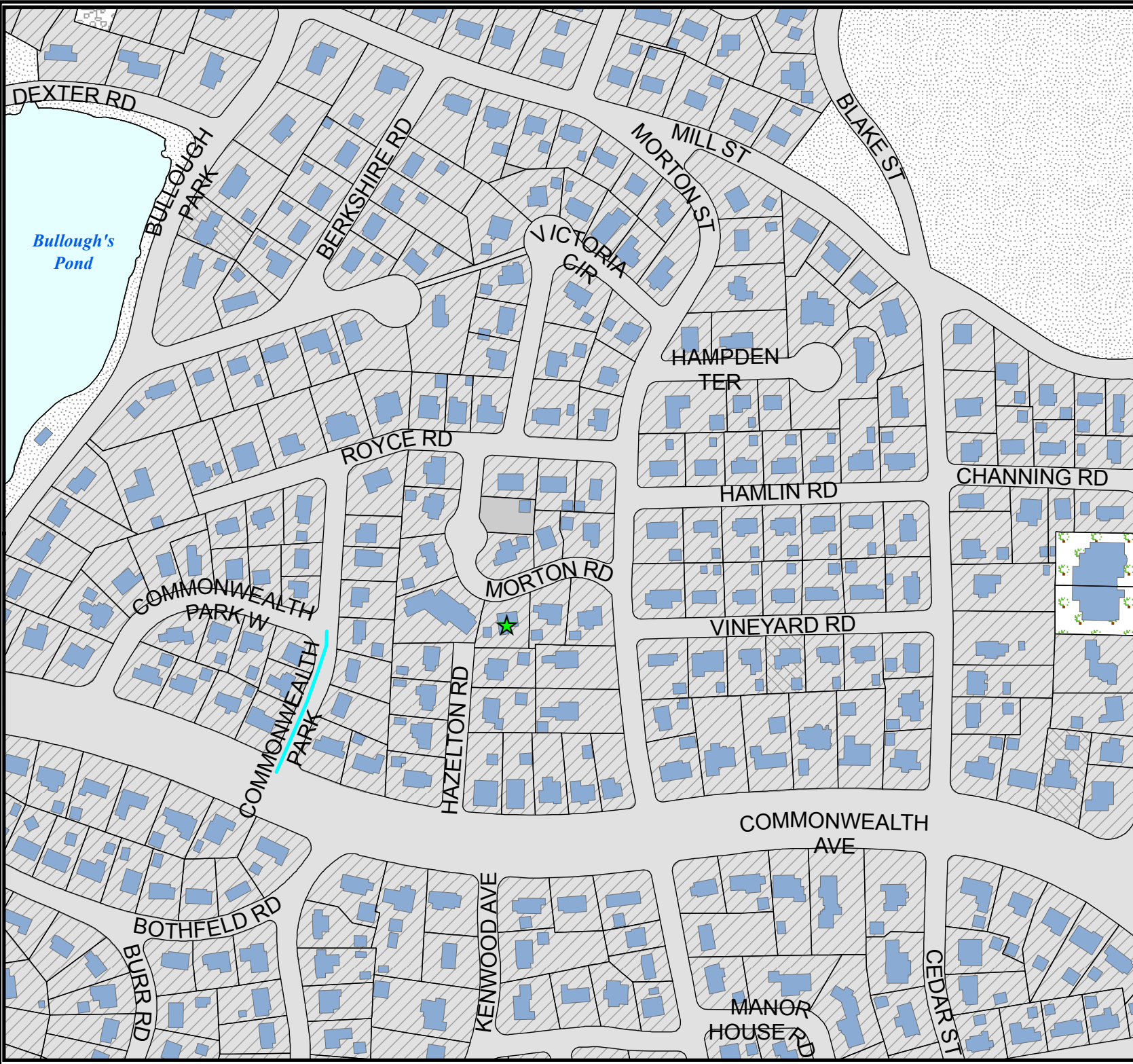


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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 22, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Peter Sachs, architect
David and Louisa West, applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to exceed FAR**

Applicant: David and Louisa West	
Site: 20 Morton Road	SBL: 24043 0018
Zoning: SR2	Lot Area: 8,705 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 20 Morton Road consists of an 8,705 square foot lot improved with a single-family dwelling constructed in 1921 and a detached garage. The applicant proposes to raze the detached garage and enclosed rear porch and construct an addition adding a two-car attached garage, family room and new kitchen on the first floor with a new master bedroom above the garage, requiring a special permit to exceed FAR.

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

- Zoning Review Application, prepared by Peter Sachs, architect, dated 8/8/2016
- FAR Worksheet, submitted 8/8/2016
- Site Plan, prepared by Peter Sachs, architect, dated 7/25/2016
- Architectural Plans, prepared by Peter Sachs, architect, dated 7/25/2016
 - Floor Plans
 - Elevations

ADMINISTRATIVE DETERMINATIONS:

- The applicants propose to construct additions consisting of a two-car attached garage, and living space on the first and second floors totaling 2,085 square feet. The applicants’ existing FAR is .25, where .40 is allowed. The proposed additions create an FAR of .49, which exceeds the .40 allowed, requiring a special permit per Section 3.1.9.A.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	8,705 square feet	No change
Frontage	80 feet	95.83 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	25 feet ± 15 feet 32 feet	No change 7.5 feet 15 feet
Building Height	36	30.47 feet	31.81 feet
Max Number of Stories	2.5	2.5	No change
FAR	.40	.25	.49
Max Lot Coverage	30%	15.3%	28.2%
Min Open Space	50%	78.6%	63.9%

- See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9	Request to exceed maximum FAR	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

October 17, 2016

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 increase the Floor Area Ratio (FAR) from .25 to .49, where .40 is the maximum allowed by-right, 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 .25 to .49, where .40 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) for the following reasons:
 - a. The proposed addition is to the side and rear of the structure, set back from the street. The proposed new residence meets all other dimensional regulations.
 - b. The architecture of the proposed addition is consistent with the existing residence and will help preserve a structure in a National Register District.
 - c. The two-car garage will remove vehicles from view;

PETITION NUMBER: #310-16

PETITIONER: David and Louisa West

LOCATION: 20 Morton Road, on land known as Section 24, Block 43, Lot 18, containing approximately 8,705 square feet of land

OWNER: David and Louisa West

ADDRESS OF OWNER: 20 Morton Road
Newton, MA 02459

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3, to construct a single family dwelling with an FAR exceeding the maximum allowed by-right

ZONING: Single Residence 2 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 Joseph R. Porter, surveyor, dated 8/23/2016:
 - b. Architectural Plans and Elevations, signed and stamped by Peter Sachs, Architect, dated 8/3/2016
 - c. The plans referenced in subparagraphs 'a' shall be revised to show three additional arborvitaes at the southeastern boundary of the property.
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 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 as 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.

