



#126-17

City of Newton, Massachusetts
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Setti D. Warren
Mayor

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
Michael Gleba, Senior Planner

SUBJECT: **Petition #126-17**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new attached garage at basement level, family room on first floor and bathroom and closet space on the second floor, extending the nonconforming front setback increasing the nonconforming FAR from .52 to .61 where .41 is allowed at **208 Homer Street**, Ward 6, on land known as Section 64 Block 019 Lot 0001, containing approximately 8,321 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2, 3.1.3 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 which may be useful in the special permit decision making process of the City Council. 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 City Council will want to consider in its discussion at a subsequent Working Session.



208 Homer Street

EXECUTIVE SUMMARY

The subject property at 208 Homer Street consists of an 8,320 square foot lot in a Single Residence 2 (SR2) district. Located at the corner of Homer Street and Tarleton Road, the lot is improved with a single-family dwelling constructed circa 1909 and a detached one car garage.

The petitioner proposes to raze the existing detached garage located at the southeast corner of the lot and build a new addition that would extend the dwelling to the south and include a basement-level attached garage, a first floor family room, and bathrooms and closet space on the second floor.

The construction of the proposed addition together with the removal of the existing garage would result in a increase of approximately 700 in the total square feet of gross floor area to the property, further increasing its existing nonconforming floor area ratio (FAR) from 0.52 to 0.61 where 0.41 is the maximum allowed, requiring a special permit pursuant to Sections 3.1.9 and 7.8.2.C.2.

As it would extend the structure southward along Tarleton Road, the proposed addition would also further reduce the dwelling's nonconforming front setback on that street from 18.6 to 18.4 where 21.5 is required (due to averaging), requiring a special permit pursuant to Sections 3.1.3 and 7.8.2.C.2 to further extend the already nonconforming front setback.

The Planning Department is generally not concerned with the proposed addition given that it would be lower than the existing structure, utilize a downward sloping site to provide enclosed, off-street parking, and eliminate a detached garage and related driveway located in very close proximity to a neighboring property. Furthermore, the proposed addition will help preserve an existing dwelling while allowing it to meet the needs of today's families.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

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

- The proposed decrease in the nonconforming front setback will be substantially more detrimental than the existing nonconforming front setback is to the neighborhood (§3.1.4 and §7.8.2.C.2).
- The proposed structure with a floor area ratio (FAR) of 0.61 where 0.41 is allowed by right consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9).
- The proposed increase of the nonconforming floor area ratio (FAR) to 0.61 where 0.41 is allowed by right will be substantially more detrimental than the existing nonconforming FAR of 0.52 is to the neighborhood (§7.8.2.C.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located at the corner of Homer Street and Tarleton Road in a Single Residence 2 (SR2) district. The neighborhood is uniformly settled with single-family dwellings, reflecting the neighborhood's SR2 zoning. **(Attachments A & B)**.

B. Site

The site consists of 8,320 square feet of land improved with a single-family dwelling constructed circa 1909 and a detached garage located at the southeast corner of the lot, along its southern boundary, and accessed via an approximately 15 foot wide, 40 foot long driveway off Tarleton Road.

The property, which slopes approximately seven feet downward from Homer Street to its southern boundary, has a low picket fence along its northern (Homer Street), and much of its western (Tarleton Road) frontage, with the latter transitioning to a higher, lattice-topped board fence toward the driveway located near the property's southern boundary; there is also fencing along its eastern boundary. The property features several mature trees and shrubbery as well as lawn.

III. 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 applicant proposes to build a three level, 1,156 square feet addition to the south side of the existing dwelling. The addition, which would be lower in height than the existing structure, would include an attached garage at the basement level, a family room on the first floor, and bathrooms and closet space on the second floor, adding 326, 590 and 240 square feet, respectively, to those levels.

As the petitioner intends to also raze the existing detached 280 square foot garage, the resulting net increase of floor area on the property would be 876 square feet, further increasing the nonconforming FAR of 0.52 to 0.61 where 0.41 is allowed (50% of the basement is included in the FAR calculation as the basement is exposed by more than four feet around the majority of the perimeter of the house).

While the proposed addition is generally aligned with the existing Tarleton Road façade of the dwelling, over its length it nevertheless slightly decreases the existing nonconforming front setback along that street slightly, from 18.7 to 18.4 feet where 21.5 feet is required. The rear setback, i.e., that from the southern boundary line,

would be reduced from 31.8 to 24.8 feet, but remain above the required 15 feet (it should also be noted that the “long” side of the existing garage slated for removal measures approximately 20 feet and is located in very close proximity to that boundary line). While a proposed deck on the east side of the dwelling would reduce that setback from 16.3 to 9.3 feet, it would still remain greater than the required 7.5 feet.

The parcel’s lot coverage would increase from 19.2% to 27.8%, but remain below the maximum 30% allowed. The open space on the parcel would decrease, from 67% to 56%, but remain above the required 50%.

C. Parking and Circulation

As proposed, the existing garage at the southwest corner of the lot and its associated driveway off Tarleton Road would be removed. A new two-car garage would be constructed in the expanded basement level of the dwelling which would be accessed by way of a new, approximately 19 by 24 foot, driveway located slightly to the north of the existing driveway.

D. Landscape Screening

A landscape plan was not required with this petition. The Planning Department recommends that additional vegetation, preferably evergreen trees, be provided along the property’s south boundary line and the adjoining portion of its eastern boundary line to provide some additional year-round screening of the addition from abutting properties. Planning staff therefore suggests that should the requested special permit be granted, prior to the issuance of a building permit a landscape plan showing such be submitted for approval by the Planning Department and that this be made a condition of any special permit granted pursuant to this petition.

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:

Special permit per §7.3.3:

- to further increase the nonconforming floor area ratio (FAR) (§3.1.9; §7.8.2.C.2);
- to further decrease the nonconforming front setback (§3.1.3; §7.8.2.C.2).

B. Engineering Review

No engineering review is required at this time. The Engineering Division of Public

Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this project be approved.

C. Newton Historical Commission

On February 8, 2017 Newton Historical Commission staff reviewed and approved the project, requiring only the review of final plans.

V. PETITIONER'S RESPONSIBILITIES

As the submitted architectural drawings include a zoning chart that indicates a proposed FAR calculation that differs from the submitted FAR worksheet, the petitioner should submit drawings with an FAR that corresponds with the worksheet.

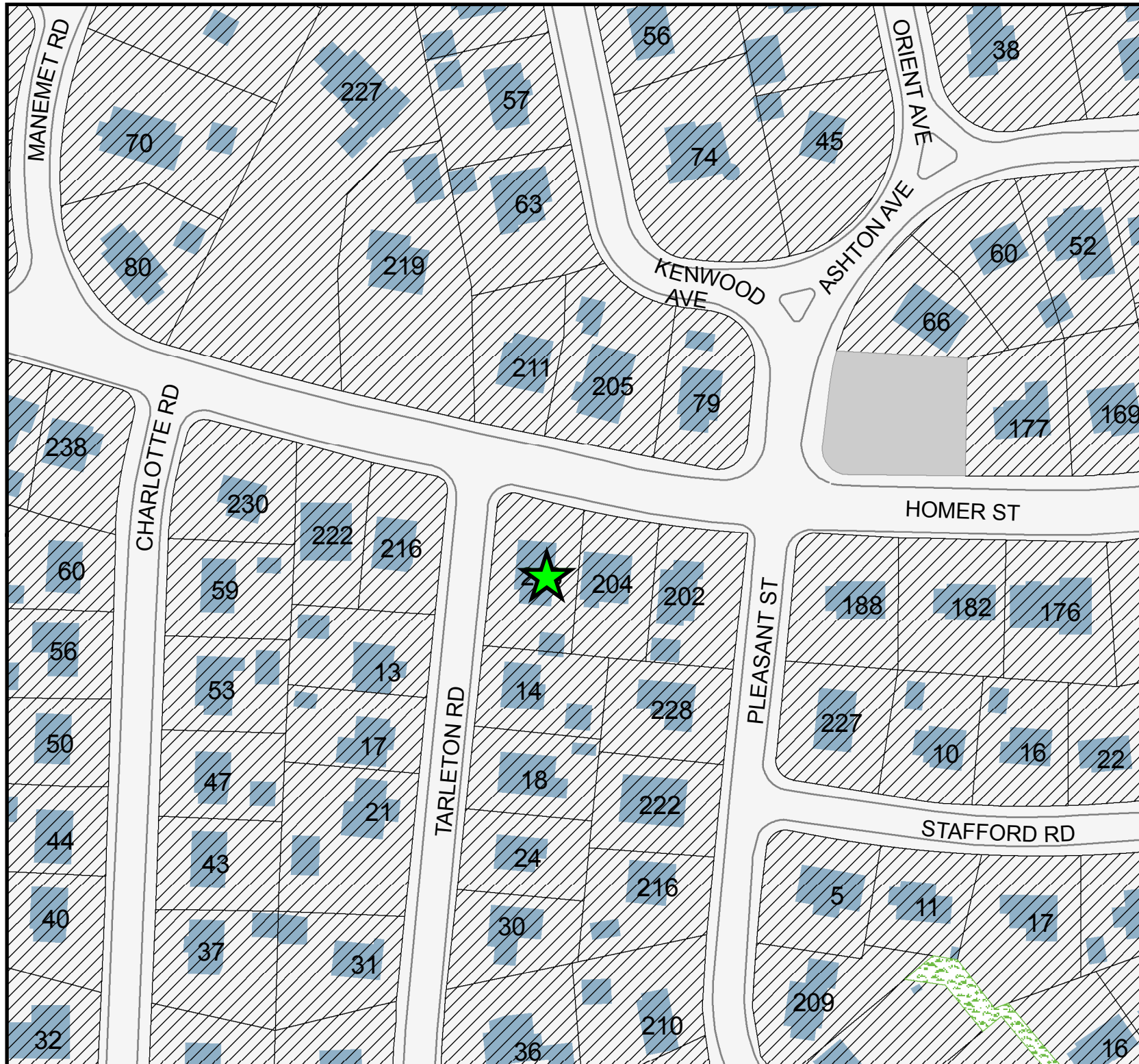
ATTACHMENTS:

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

ATTACHMENT A

Land Use 208 Homer St.




*City of Newton,
Massachusetts*

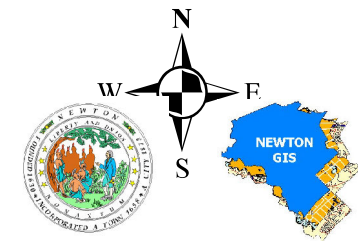


Legend

Land Use

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

0 12.5 25 50 75 100 125
Feet

Map Date: May 30, 2017

ATTACHMENT B

Zoning 208 Homer St.

*City of Newton,
Massachusetts*

Legend

 Single Residence 2

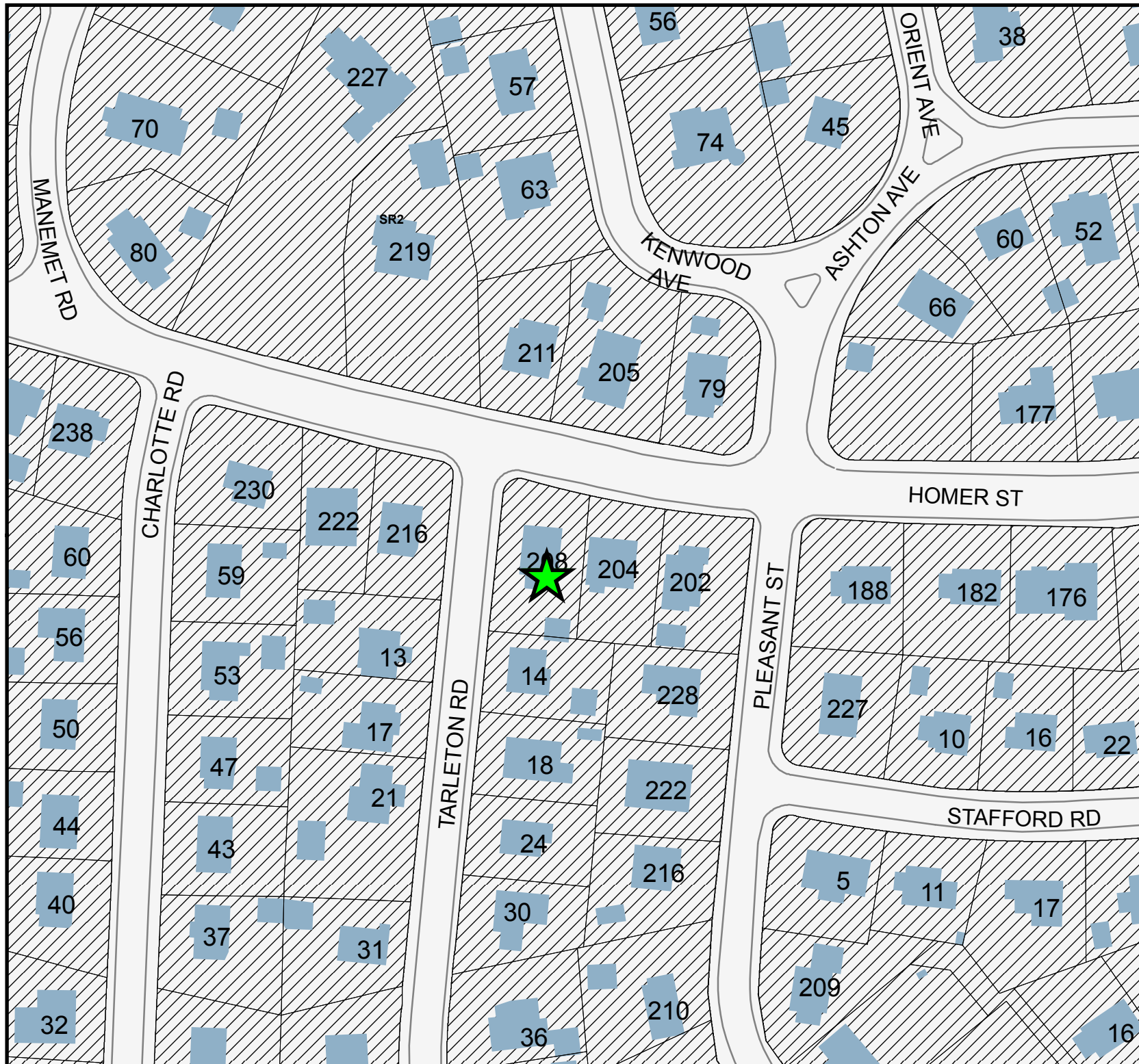


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Feet

Map Date: May 30, 2017





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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: April 27, 2017

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
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: Diouri Adil & Alexandra J	
Site: 208 Homer Street	SBL: 64019 0001
Zoning: SR-2	Lot Area: 8,320 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 208 Homer Street consists of an 8,320 square foot lot improved with a single-family residence constructed in 1909. The applicant proposes to raze the existing detached one car garage and build a new attached garage at the basement level with a family room on the first floor and bathrooms and closet space on the second floor. The additions will further increase the nonconforming FAR, requiring a special permit. The subject site is a corner lot with frontage on Tarleton Road as well as Homer Street. The proposed addition also decreased an existing nonconforming front setback on Tarleton Road, requiring a special permit. The Newton Historical Commission reviewed the proposed demolition and demolition is not delayed.

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

- Zoning Review Application, prepared by Peter Sachs, architect, submitted on 3/23/2017, and revised on 4/25/2017
- FAR Worksheet, submitted on 3/23/2017
- Plot Plan, signed and stamped by Bruce Bradford, PLS, dated 4/20/2017
- Floor Plans and elevations prepared by Peter Sachs, dated 4/19/2017

ADMINISTRATIVE DETERMINATIONS:

1. The applicants' existing FAR is .52, where .41 is the maximum allowed, making the house legally nonconforming with respect to FAR. The proposed addition adds 700 square feet to the site after the existing garage is removed, resulting in an FAR of .61. Fifty percent of the basement is included in the FAR calculation as the basement is exposed by more than four feet around the majority of the perimeter of the house. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.
2. Because the property is a corner lot the house has two front setbacks. The proposed addition further decreases the nonconforming setback on Tarleton Road from 18.6 to 18.4 where 21.5 is required due to averaging. A special permit pursuant to Sections 3.1.3 and 7.8.2.C.2 is required to further extend the already nonconforming front setback.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	8,320 square feet	No change
Frontage	80 feet	70 feet	No change
Setbacks			
• Front (Homer St)	25 feet	28.4 feet	No change
• Front (Tarleton Rd)	21.5 feet	18.6 feet	18.4 feet
• Side	7.5 feet	16.3 feet	9.3 feet
• Rear	15 feet	31.8 feet	24.8 feet
Max Number of Stories	2.5	2.5	No change
FAR	.41	.52	.61
Max Lot Coverage	30%	19.2%	27.8%
Min. Open Space	50%	67%	56%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.9, §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3
§3.1.3, §7.8.2.C.2	Request to further extend nonconforming front setback	S.P. per §7.3.3

ATTACHMENT D

DRAFT-- #126-17
208 Homer Street

CITY OF NEWTON
IN CITY COUNCIL

June [REDACTED], 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 further decrease a nonconforming front setback from to 18.6 feet to 18.4 feet, where 21.5 feet is the minimum allowed by right, and further increase the nonconforming floor area ratio from 0.52 to 0.61 where 0.41 is the maximum allowed as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed reduction in the nonconforming front setback is not substantially more detrimental than the existing setback is to the neighborhood given that at its greatest the reduction is only approximately three inches (§3.1.3 and §7.8.2.C.2).
2. The proposed structure with a floor area ratio (FAR) of 0.61 where 0.41 is allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood and it will be lower than, and subordinate in scale, to the existing structure (§3.1.9).
3. The proposed increase in the nonconforming floor area ratio is not substantially more detrimental than the existing floor area ratio is to the neighborhood as the proposed addition will utilize the site's sloping grade to provide enclosed attached parking spaces, be lower than, and subordinate in scale, to the existing structure, and conform with side and rear setback requirements (§7.8.2.C.2).

PETITION NUMBER: #126-17

PETITIONER: Peter Sachs

LOCATION: 208 Homer Street, on land known as Section 64, Block 19,
Lot 1, containing approximately 8,321 square feet of land

OWNER: Adil and Alexandra Diouri

ADDRESS OF OWNER: 208 Homer Street
Newton, MA

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend a nonconforming front setback and §3.1.9 and §7.8.2.C.2 to further increase the nonconforming floor area ratio

ZONING: Single Residence 1 (SR1) 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 site plan entitled "Plan of Land in Newton, MA, 208 Homer Street, Proposed Additions, prepared by Everett M. Brooks Co. signed and stamped by Bruce Bradford, Professional Land Surveyor, dated April 20, 2017, as revised through May 24, 2017;
 - b. A set of architectural plans entitled "Douri Residence, 208 Homer Rd (*sic*), Newton, MA", prepared by Peter Sachs Architect, signed and stamped by Peter Sachs, Registered Architect, consisting of the following sheets:
 - i. Title Sheet (A-0), dated 4/19/2017;
 - ii. Progress Set Basement Floor Plan (A-1), dated 4/19/2017;
 - iii. Progress Set First Floor Plan (A-2), dated 4/19/2017;
 - iv. Progress Set Second Floor Plan (A-3), dated 4/19/2017;
 - v. Progress Set Roof Floor (*note*: Attic) Plan (A-4), dated 4/19/2017;
 - vi. Progress Set Roof Floor Plan (A-5), dated 4/19/2017;
 - vii. Progress Set Front Elevation (A-6), dated 4/19/2017;
 - viii. Progress Set Right Elevation (A-7), dated 4/19/2017;
 - ix. Progress Set Back Elevation (A-8), dated 4/19/2017;
 - x. Progress Set Left Elevation (A-9), dated 4/19/2017;
 - xi. Progress Set Window/Door Schedule (A-10), dated 4/19/2017;
 - xii. Progress Set Section 2 (A-11), dated 4/19/2017;
 - xiii. Progress Set Site Plan- Bsmt (A-12), dated 4/19/2017;
 - xiv. Progress Set Site Plan- First (A-13), dated 4/19/2017;

- xv. Existing First Floor Plan (EX-0), dated 4/19/2017, revised through 12/13/2016;
 - xvi. Existing Basement Floor Plan (EX-1), dated 4/19/2017, revised through 12/13/2016;
 - xvii. Existing Basement Floor Plan (EX-1), dated 4/19/2017, revised through 12/13/2016;
 - xviii. Existing First Floor Plan (EX-2), dated 4/19/2017, revised through 12/13/2016;
 - xix. Existing Second Floor Plan (EX-3), dated 4/19/2017, revised through 12/13/2016;
 - xx. Existing Roof Floor Plan (*note: Attic*) (EX-4), dated 4/19/2017, revised through 12/13/2016;
 - xxi. Existing Roof Floor Plan (EX-5), dated 4/19/2017, revised through 12/13/2016;
 - xxii. Existing Front Elevation (EX-6), dated 4/19/2017, revised through 12/13/2016;
 - xxiii. Existing Right Elevation (EX-7), dated 4/19/2017, revised through 12/13/2016;
 - xxiv. Existing Back Elevation (EX-8), dated 4/19/2017, revised through 12/13/2016;
 - xxv. Existing Left Elevation (EX-9), dated 4/19/2017, revised through 12/13/2016;
 - xxvi. Existing Section 1 (EX-10), dated 4/19/2017, revised through 12/13/2016;
 - xxvii. Existing Section 2 (EX-11), dated 4/19/2017, revised through 12/13/2016.
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. 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 board 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 board 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 Final Landscape Plan to the Director of Planning and Development for review and approval.
 4. 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 an architect and land surveyor certifying compliance with Condition #1.

- 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 an architect and licensed land surveyor including the as built floor area ratio of the structure.
- c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
- d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Engineering Division of Public Works a statement from the Department of Planning and Development approving the final location, number and type of plant materials and final landscape features consistent with the approved Final Landscape Plan.