



Setti D. Warren
Mayor

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 26, 2017
Land Use Action Date:	December 12, 2017
City Council Action Date:	December 18, 2017
90 Day Expiration Date:	December 25, 2017

DATE: September 22, 2017

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Michael Gleba, Senior Planner

SUBJECT: **Petition #226-17**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three new dormers and increase the size of one existing dormer, exceeding the allowable size of dormers and increasing the FAR to .48 where .46 is required and .42 exists at **18 MEREDITH AVENUE**, Ward 5, Newton Highlands, on land known as Section 54, block 45, Lot 15, containing approximately 4,443 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 1.5.4.G.2.b, 3.1.3, 3.1.9, 3.1.9.A.2 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.



18 Meredith Avenue

EXECUTIVE SUMMARY

The property at 18 Meredith Avenue consists of a 4,443 square foot lot located at the corner of Meredith Avenue and Canterbury Road in a Single Residence 2 (SR2) zoning district. The lot is improved with a 1,608 square foot, two and a half story, single-family dwelling constructed ca. 1900, and a 264 square foot single car garage.

The applicant proposes to construct three new dormers and to extend an existing dormer at the attic level. The proposed work would add 245 square feet of floor area to the dwelling, increasing the property's floor area ratio (FAR) from 0.42 to 0.48, above the 0.46 allowed by right, and the two dormers proposed for the rear would, taken together, exceed the allowed width of 50% of the exterior wall of the floor below. As such, the petitioner is seeking a Special Permit per §7.3.3 to allow oversized dormer length and to exceed maximum FAR.

The Planning Department is generally not concerned with the proposed work. The dwelling is located in a neighborhood of other similarly-scaled dwellings and the petitioner is not seeking to increase to the footprint of the house. The proposed oversized dormer length is distributed, reducing the bulk and breaking up its visual impact. 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 specific site is an appropriate location for a single-family dwelling with the proposed dormers (§7.3.3.C.1);
- The use as developed and operated will not 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);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);
- the dwelling's proposed increased FAR would be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9.A.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located at the corner of Canterbury Road and Meredith Avenue, close to the latter's terminus at the MBTA Green Line Eliot Station. The neighborhood is predominantly composed of single-family dwellings, with some multi-family dwellings situated to the south, including directly across Meredith Avenue. The area to the north of the property is zoned SR2, with a Multi-Residence 2 (MR2) directly to the south across Meredith Avenue and Canterbury Road.

Further to the south across Boylston Street there are Single Residence 3 (SR3) and Multi-Residence 2 (MR2) districts (**Attachments A & B**).

B. Site

The site consists of a 4,443 square foot lot in a Single Residence 2 (SR2) zoning district improved with a 1,608 square foot, two and a half story single-family dwelling constructed ca. 1900 and a 264 square foot single car garage. The dwelling faces the short stretch of Meredith Avenue between Canterbury Road and the nearby MBTA Green Line; the garage faces and is accessed by a curb cut and associated driveway along Canterbury Road.

The lot is level and features mature vegetation, including shrubs, lawn area and there is fence along the boundary line shared with the property to the north on Meredith Avenue.

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 petitioner proposes to increase living space on the attic level by enlarging an existing dormer and adding three new dormers, one to the front and two to the rear elevations of the dwelling.

The Newton Zoning Ordinance provides that dormers may not be wider than 50% of the length of the exterior wall of the story next below. The existing dwelling is 29.54 feet wide, with 50% being 14.77 feet. On the front of the dwelling the existing dormer's width would be increased to 9.58 feet wide and the new 5.08 foot wide dormer would be built to the left of the existing one. Taken together, with a combined width of 14.66 feet these two front dormers would measure less than the maximum 50% allowed by right. However, the two dormers proposed for the rear of the dwelling, which measure 11.85 feet and 5.83 feet respectively, would have a combined width of 17.68 feet, 60% of the length of the exterior wall of the story below, thus requiring the requested special permit per Section 1.5.4.G.2.

The resulting net increase of floor area on the attic level would be 245 square feet, raising the property's FAR from 0.42 to 0.48, above the 0.46 allowed by right. Neither the dwelling's height nor number of stories would not be increased, and other dimensions of the dwelling would not be altered, including its nonconforming front and side setbacks. The parcel's lot coverage of 28.8% (below the maximum 30% allowed) would remain unchanged, as would its open space of 67.3% (above the required 50%).

C. Parking and Circulation

No changes are proposed to either the parking or circulation on the parcel.

D. Landscape Screening

A landscape plan was not required or submitted for 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 a Special Permit per §7.3.3 to:

- allow an oversized dormer (§1.5.4.G.2.b)
- exceed maximum floor area ratio (FAR) (§3.1.9.A.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.

V. 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

Land Use





18 Meredith Ave.

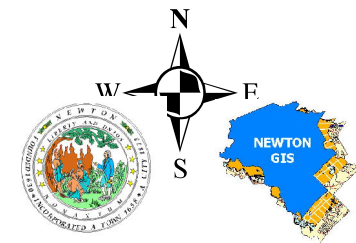
*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Nonprofit Organizations
-  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 75 100 125 150 175
Feet

Map Date: August 21, 2017








ATTACHMENT B

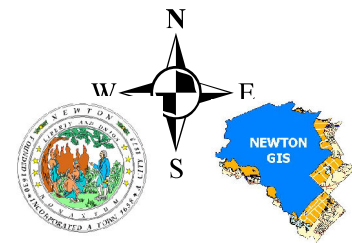
Zoning

18 Meredith Ave.

*City of Newton,
Massachusetts*

Legend

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Public Use

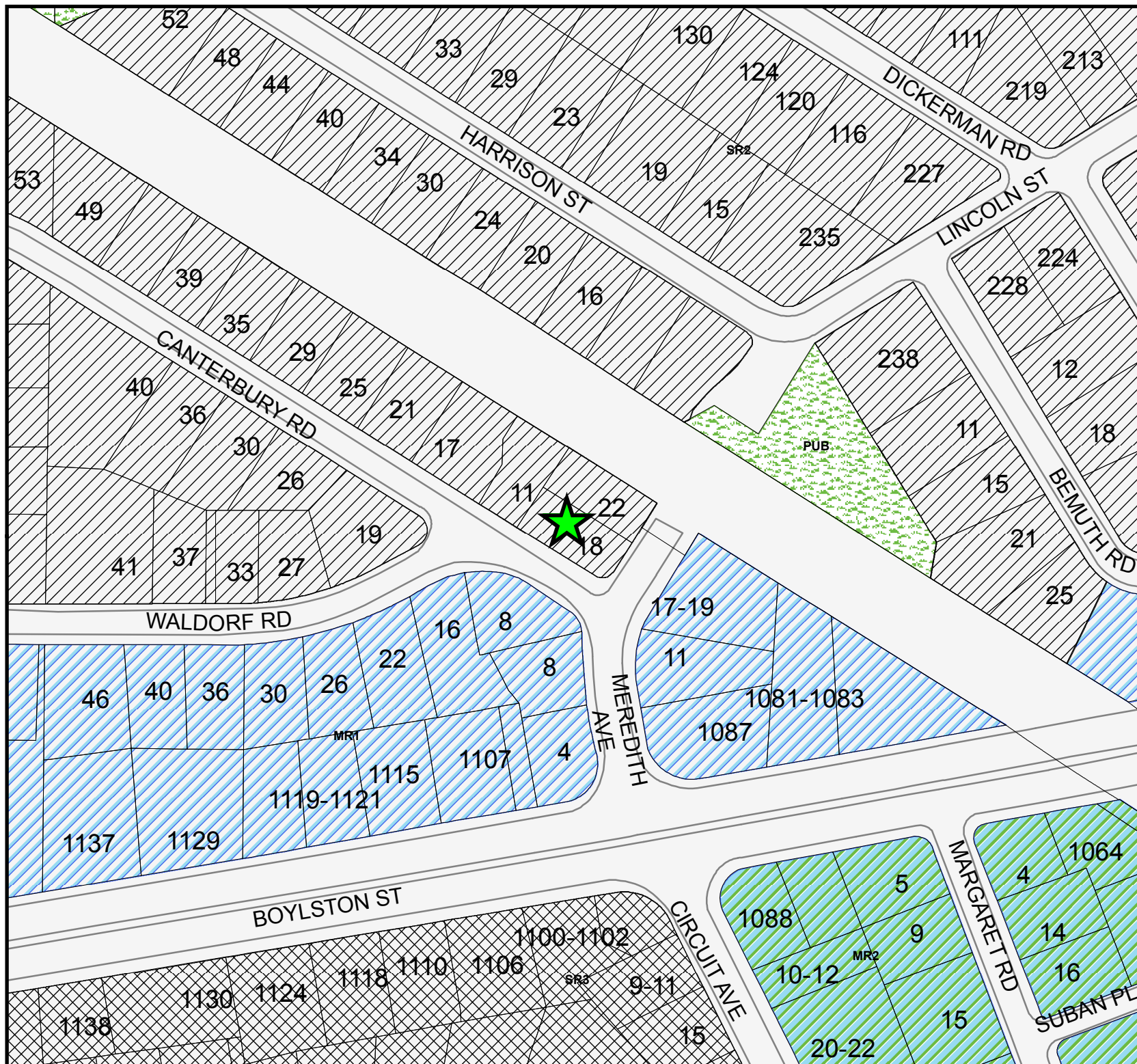


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

0 12.525 50 75 100 125 150 175
Feet

Map Date: September 21, 2017





Setti D. Warren
Mayor

ATTACHMENT C

City of Newton, Massachusetts Department of Planning and Development

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 24, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Jim Youngblood, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR and to allow an oversized dormer

Applicant: Jim Youngblood	
Site: 18 Meredith Avenue	SBL: 54045 0015
Zoning: SR2	Lot Area: 4,443 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 18 Meredith Avenue consists of a 4,443 square foot lot improved with a single-family dwelling constructed in 190. The dwelling is located in the SR2 zoning district at the corner of Meredith Avenue and Canterbury Road. The applicant proposes to construct three new dormers and to extend an existing dormer at the attic level. The dormers exceed that which is allowed by right for their total size, and increase the FAR to .48, which is greater than then .46 allowed by right.

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

- Zoning Review Application, prepared by Jim Youngblood, applicant, submitted 6/2/2017
- Site Plan, signed and stamped by John R. Hamel, surveyor, dated 10/21/2015
- FAR worksheet, submitted 6/2/2017, revised 7/17/2017
- Floor plans and elevations, prepared by LDA Architecture and Interiors, dated 4/28/2016

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to add headroom to an existing dormer serving the attic staircase, and to add three new dormers to the attic level to increase living space. Section 1.5.4.G.2 states that a dormer may be no wider than 50% of the length of the exterior wall of the story next below. The existing dwelling is 29.54 feet wide, with 50% being 14.77 feet. The applicant proposes to increase the existing dormer at the front of the house in height and width, to 9.58 feet wide, as well as adding a separate front dormer of 5.08 feet, for a total of 14.66 feet. Two dormers are also proposed on the rear of the dwelling measuring 11.85 feet and 5.83 feet, for a combined total of 17.68 feet, or 60% of the length of the exterior wall of the story below. To build the rear dormer additions as proposed, a special permit per Section 1.5.4.G.2 is required.
2. The existing FAR for the property is .42, which is less than the allowable FAR of .46 per Section 3.1.9. The proposed dormer additions add a total of 245 square feet of habitable space creating an FAR of .48, exceeding the maximum allowable FAR. Pursuant to Section 3.1.9.A.2, a special permit is required to exceed the by right FAR.
3. The dwelling has an existing nonconforming front setback of 6.3 feet from Canterbury Road, where 25 feet is required. The abutting property at 11 Canterbury Road has an existing nonconforming front setback of 10 feet. Utilizing the averaging provision of Section 1.5.3.B for front setback requirements, where the adjacent parcel on Canterbury has 10 feet and the required setback of 25 feet is used for the other side where there is no structure, the front setback requirement for the property is averaged to 17.5 feet.

The de minimis provisions of Section 7.8.2.B.2.a allow for dormers that do not extend above the height of the existing roof peak and do not add more than 400 square feet of floor area within the setback to an existing nonconforming structure. Two of the applicant’s proposed dormers are within the front setback off Canterbury Road at 9.9 feet. Where the de minimis provisions allow for up to 400 square feet, and the total square footage of all four proposed dormers is adding only 245 square feet, no relief is required to extend within in the front setback per Section 7.8.2.B.2.a.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	4,443 square feet	No change
Frontage	80 feet	42 feet	No change
Setbacks			
• Front (Meredith Ave)	25 feet	17.7 feet	No change
• Front (Canterbury Rd)	17.5 feet	6.3 feet	No change
• Side	7.5 feet	4.6 feet	No change
• Rear	15 feet	44 feet	No change
Max Number of Stories	2.5	2.5	No change
Open Space Minimum	50%	67.3%	No change
Lot Coverage Maximum	30%	28.8%	No change
FAR	.46	.42	.48

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§1.5.4.G.2.b	Request to allow an oversized dormer	S.P. per §7.3.3
§3.1.3 §3.1.9 §3.1.9.A.2	Request to exceed maximum FAR	S.P. per §7.3.3

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

September , 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 allow dormers whose combined widths exceed the maximum allowed by right and a floor area ratio (FAR) of 0.48 where 0.42 currently exists and 0.46 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 specific site is an appropriate location for a single-family dwelling with the proposed dormers (§7.3.3.C.1);
2. The use as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);
5. The dwelling's proposed increased FAR would be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as the proposed dormers would add only 245 square feet of floor area to the dwelling and not alter its footprint (§3.1.9.A.2).

PETITION NUMBER: #226-17

PETITIONER: James C. Youngblood

LOCATION: 18 Meredith Avenue, on land known as Section 54, Block 45, Lot 15, containing approximately 4,443 square feet of land

OWNER: James C. Youngblood & Deborah Youngblood

ADDRESS OF OWNER: 18 Meredith Avenue
Newton, MA 02461

TO BE USED FOR: One-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- to allow an oversized dormer(§1.5.4.G.2.B)
- exceed maximum floor area ratio (FAR) (§3.1.9.A.2)

ZONING: Single Residence 2 (SR2) 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. A site plan, entitled "Site Plan, 18 Meredith Avenue, Newton, Massachusetts," signed and stamped by John R. Hamel, Professional Land Surveyor, dated July 17, 2017;
 - b. architectural Plans and Elevations, entitled Youngblood Residence, 18 Meredith Ave., Newton, MA, dated April 28, 2015, signed and stamped by Douglas E. Dick, Registered Architect, consisting of following sheets:
 - i. Zoning Information (G101);
 - ii. Zoning Drawings (G102).
 - c. a document entitled "Floor Area Work Worksheet" for 18 Meredith Avenue, Newton, MA, signed and stamped by Douglas E. Dick, Registered Architect.
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 board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. 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 or 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 a licensed land surveyor.