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Mayor

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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 14, 2014
Land Use Action Date: November 18, 2014
Board of Aldermen Action Date: December 15, 2014
90-Day Expiration Date: January 5, 2015

DATE: October 10, 2014

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 #228-14(2)**, GONGXIONG WU, for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing attached garage and breezeway and construct a new one-stall garage with a master suite and one bedroom above it, maintaining the existing nonconforming side setback but vertically extending the nonconforming side setback, and to construct an office and bath in the attic, which will increase the nonconforming Floor Area Ratio from .42 to .56, where .38 is the maximum allowed by right, at 102 McCARTHY ROAD, Ward 8, NEWTON CENTRE on land known as SBL 84, 27, 6, containing approximately 10,033 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), 30-21(b) 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 Public Hearing/Working Session.



102 McCarthy Road

EXECUTIVE SUMMARY

While this petition initially requested to increase the already nonconforming FAR to .56, which the City issued public notice for, the petitioner is now seeking to allow a FAR of .57.

The property located at 102 McCarthy Road consists of 10,033 square feet of land improved with a 2½-story residence with an attached one-story, one-stall, garage (circa 1948). The petitioner is proposing to remove an existing attached garage and breezeway, and construct a new 2½-story addition totaling approximately 1,555.5 square feet. The addition will consist of a two-stall garage, storage room and ½-bath on the ground floor, two bedrooms each with a full bathroom on the second floor, and an office in the ½-story attic. In order to construct the proposed addition, the petitioner is seeking a special permit to vertically extend the mass of the building within the nonconforming side setback and to increase the already nonconforming floor area ratio (FAR) from .42 to .57, where .38 is the maximum allowed by right. If approved, the proposed addition totaling 1,555.5 square feet represents a net increase of 1,191.5 square feet, and will increase the size of the dwelling from 4,204.5 square feet to 5,760 square feet.

The City's Senior Preservation Planner reviewed the proposal and determined the structure not to be historic and, therefore, no further review was required (**ATTACHMENT A**). According to the *Newton Comprehensive Plan* (Comprehensive Plan), adopted 2007, residential property owners are encouraged to consider modest additions to existing residences, so that the older home can better meet the needs of today's families¹. Furthermore, the Comprehensive Plan indicates that residents believe the "***preservation of housing stock...can help to maintain the scale, character, and distinctiveness of our neighborhoods,***" but that this can only be achieved through "***design[s] that show careful respect for the neighborhood context.***"²

The Planning Department has no particular concerns with the development of an addition on this dwelling. The Department does, however, have reservations about the bulk, mass, and size of the proposed addition, and its visual fit with the surrounding buildings and neighborhood context. To reduce the potentially disruptive impacts of the proposed addition, the Department encourages the petitioner to consider: 1) reducing the addition to 1½-stories; 2) further articulate the front façade plane by stepping the structure back an additional one or two feet; and 3) installing two one-over-one double-hung windows above the garage as opposed to the paired one-over-one double-hung window arrangement to minimize blank wall space. Should the Board choose to approve this petition, the Department also recommends the petitioner consider the installation of screening measures, consisting of plantings or a sight obscuring fence.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

¹ Newton Comprehensive Plan, dated 2007, page 5-15.

² Newton Comprehensive Plan, dated 2007, page 5-14.

- The proposed FAR of .57, where .48 is the maximum allowed by right and .42 is existing, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§30-15 Table A, §30-15(u)(2))
- The site is an appropriate location for the proposed addition to the residence as the level of open space exceeds the minimum required by the Newton Zoning Ordinance. (§30-24(d)(1))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on McCarthy Road across from Marvin Lane. The parcels in the immediate neighborhood consist of single-family residential land uses (**ATTACHMENT B**). The subject property and surrounding neighborhood are zoned Single Residence 1, but are proximate to a small pocket of Single Residence 2 zoned parcels (**ATTACHMENT C**).

B. Site

The property consists of one lot with 10,033 square feet of land and is improved with a 2½-story residence with an attached one-story, one-stall, garage (circa 1948). The parcel has a modest front lawn, which contains a couple of recently planted deciduous trees, and a larger rear lawn, which is flanked on both sides by a row of mature shrubs and trees. A bituminous driveway on the southeast side of the parcel provides vehicular access to the existing garage.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain a single-family residence.

B. Building and Site Design

The petitioner's proposed addition, consisting of an expanded garage and living space on the ground floor, two bedrooms on the second floor, and an office in the half story attic, will be of wood framed construction. If constructed, the proposed addition totaling 1,555.5 square feet represents a net increase of 1,191.5 square feet to the existing structure. To allow for enough finished space in the attic to function as an office, the petitioner is proposing to install a small dormer facing McCarthy Road. This dormer, which is the only dormer on the house, distorts the building's front plane. Further, the second story and attic portions of the addition increase the bulk and mass of the residence. While the addition is proposed slightly below the ridgeline of the existing house, the articulation of the addition's ridgeline does not appear substantial enough to subjugate the addition to the existing home, which blurs the visual

character and context of the residence. Together, the proposed building design and features impact the bulk, mass, and visual character of the structure, and how it blends in with the scale of surrounding buildings and residential context. The petitioner has also proposed to enlarge the width of the driveway at its widest point from 24 feet to 28 feet. As a result of this project, the lot coverage will be increased from 19.2% to 22%, but will not exceed the maximum allowed by the Newton Zoning Ordinance.

While there appears to be a couple of residential structures in the immediate neighborhood that are of a similar size, the majority of the surrounding homes are significantly smaller. As the table below indicates, the median house size (including garages and accessory structures) is approximately 1,736 square feet, where the petitioner is proposing to enlarge a home, which is already 4,204.5 square feet to 5,760 square feet. Further, the median FAR of the surrounding residences is approximately .16 and the proposed FAR is .57.

Parcel Comparison of Lots Surrounding 102 McCarthy Road

Parcel	Approx. Lot Size (s.f.)	Number of Stories	Approx. Size of Buildings (s.f.)	Approx. Floor Area Ratio
102 McCarthy Rd. *	10,033 s.f.	2	4,204.5 s.f.	0.42
110 McCarthy Rd.	10,625 s.f.	1	1,323 s.f.	0.12
118 McCarthy Rd.	10,675 s.f.	2	1,380 s.f.	0.13
119 McCarthy Rd.	10,305 s.f.	1	1,784 s.f.	0.17
49 Marvin Ln.	10,730 s.f.	2	3,419 s.f.	0.32
111 McCarthy Rd.	11,400 s.f.	2	3,324 s.f.	0.29
50 Marvin Ln.	12,230 s.f.	1	1,128 s.f.	0.09
99 McCarthy Rd.	12,540 s.f.	1	1,482 s.f.	0.12
63 Myerson Ln.	11,520 s.f.	2	2,819 s.f.	0.24
93 McCarthy Rd.	13,600 s.f.	1	1,580 s.f.	0.12
90 McCarthy Rd.	10,880 s.f.	2.5	4,304 s.f.	0.40
96 McCarthy Rd.	10,620 s.f.	1	1,249 s.f.	0.12
105 Hanson Rd.	10,908 s.f.	2	1,688 s.f.	0.15
111 Hanson Rd.	15,270 s.f.	2	4,296 s.f.	0.28
119 Hanson Rd.	13,169 s.f.	2	3,528 s.f.	0.27
127 Hanson Rd.	12,306 s.f.	1	1,608 s.f.	0.13
Median	11,154 s.f.	2	1,736 s.f.	0.16
102 McCarthy Rd. **	10,033 s.f.	2.5	5,760 s.f.	.57

The information presented in this table was obtained from the City of Newton’s Assessor’s Database, and was used to calculate the approximate floor area ratio for adjacent parcels.

* Existing conditions for 102 McCarthy Road

** Proposed conditions for 102 McCarthy Road

The Planning Department understands how the size and configuration of older homes

do not always meet the needs of today's families. However, the Department believes the petitioner's proposed addition appears out of character, context, and scale with the surrounding neighborhood. As such, the Department has encouraged the petitioner to reduce the addition to 1½-stories and lower the addition's ridgeline to decrease the bulk and mass of the addition. This reduction would also help to subjugate the addition to the current home. The Department also suggested that the addition be stepped back one or two feet to further articulate the front building plane. The Department also believes that the installation of two one-over-one double-hung windows would be more appropriate than the paired one-over-one double-hung window arrangement. This would minimize the creation of blank wall space and would help the façade facing McCarthy Road visually interact with the street. Together, these design adjustments would allow the expanded home to compliment and maintain the character of the surrounding buildings and residential context.

C. Parking and Circulation

The proposed development will slightly alter the parking configuration for the property so that two vehicles will be parked within the enlarged garage. Presently, the petitioner's parks one vehicle in the garage and one in the driveway. The proposed parking configuration will require enlargement of the driveway from its widest point from 24 feet to 28 feet.

The Planning Department believes that the enlarged driveway is excessive. The Department suggests a portion of the driveway nearest the abutting property to the southeast could be removed, eliminating an outdoor parking stall, as two indoor parking stalls are being created. This would also improve the amount of open space and the visual presentation of the home to the street.

D. Landscape Screening

The proposed additions will be visible from McCarthy Road and abutting properties, especially those parcels to the east, south, and west. While visibility of the home from abutting properties is partially screened by existing shrubs and trees, these plantings will provide minimal screening of the proposed addition.

Thus the Planning Department believes that the petitioner should install additional landscape plantings, which would provide year around vegetation, and/or install a sight obscuring fence along the southern property line to ensure adequate buffering, screening, and privacy. Additional plantings in the front yard would also help to buffer views of the proposed addition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT D**) 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 reliefs:

- §30-15 Table A and §30-15(u) to exceed the allowed FAR. The petitioner's proposed additions will increase the FAR from .42 to .57 where .38 is the maximum FAR allowed by right.

B. Historical Review

On May 21, 2014, the City's Senior Preservation Planner reviewed this proposal and determine the structure not to be historic and, therefore, no further review was required (**ATTACHMENT A**).

C. Engineering Review

The Associate City Engineer, submitted an Engineering Review Memorandum (**ATTACHMENT E**), providing an analysis of the proposal with regard to engineering issues. The project as proposed does not appear to require on-site infiltration; however, the petitioner is proposing an infiltration system designed for the 100-year storm event. The petitioner will be required to provide supplemental information regarding the infiltration system and soil testing data prior to issuance of a building permit.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time. The petitioner should consider the Planning Department's recommendations to reduce the mass of the proposed addition and blend the expanded structure into the surrounding neighborhood.

ATTACHMENTS:

- Attachment A:** Demolition Review Decision, dated May 21, 2014
Attachment B: Land Use Map
Attachment C: Zoning Map
Attachment D: Zoning Review Memorandum, dated August 11, 2014
Attachment E: Engineering Division Review Memorandum, dated October 2, 2014



Setti D. Warren
Mayor

Attachment A

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Candace Havens
Director

Newton Historical Commission Demolition Review Decision

Date: 5/21/2014 Zoning & Dev. Review Project# 14050046

Address of structure: 102 McCarthy Road

Type of building : House

If partial demolition, feature to be demolished is garage and breezeway

The building or structure:

- is _____ is not in a National Register or local historic district not visible from a public way.
- is _____ is not on the National Register or eligible for listing.
- is _____ is not importantly associated with historic person(s), events, or architectural or social history
- is _____ is not historically or architecturally important for period, style, architect, builder, or context.
- is _____ is not located within 150 feet of a historic district and contextually similar.

is **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.
Demolition is not delayed and no further review is required.

is _____ **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

_____ **APPROVES** the proposed project based upon materials submitted see below for conditions (if any).
Demolition is not delayed, further staff review may be required.

_____ **DOES NOT APPROVE** and the project requires
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is _____ **NOT PREFERABLY PRESERVED**
Demolition is not delayed and no further review is required.

is _____ **PREFERABLY PRESERVED -- (SEE BELOW).**

Delay of Demolition:

_____ is in effect until _____

_____ has been waived - see attached for conditions

Determination made by:



Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.

Land Use Map 102 McCarthy Road





*City of Newton,
Massachusetts*

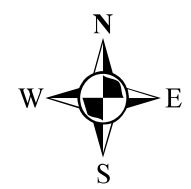
ATTACHMENT B

Legend

Street Names

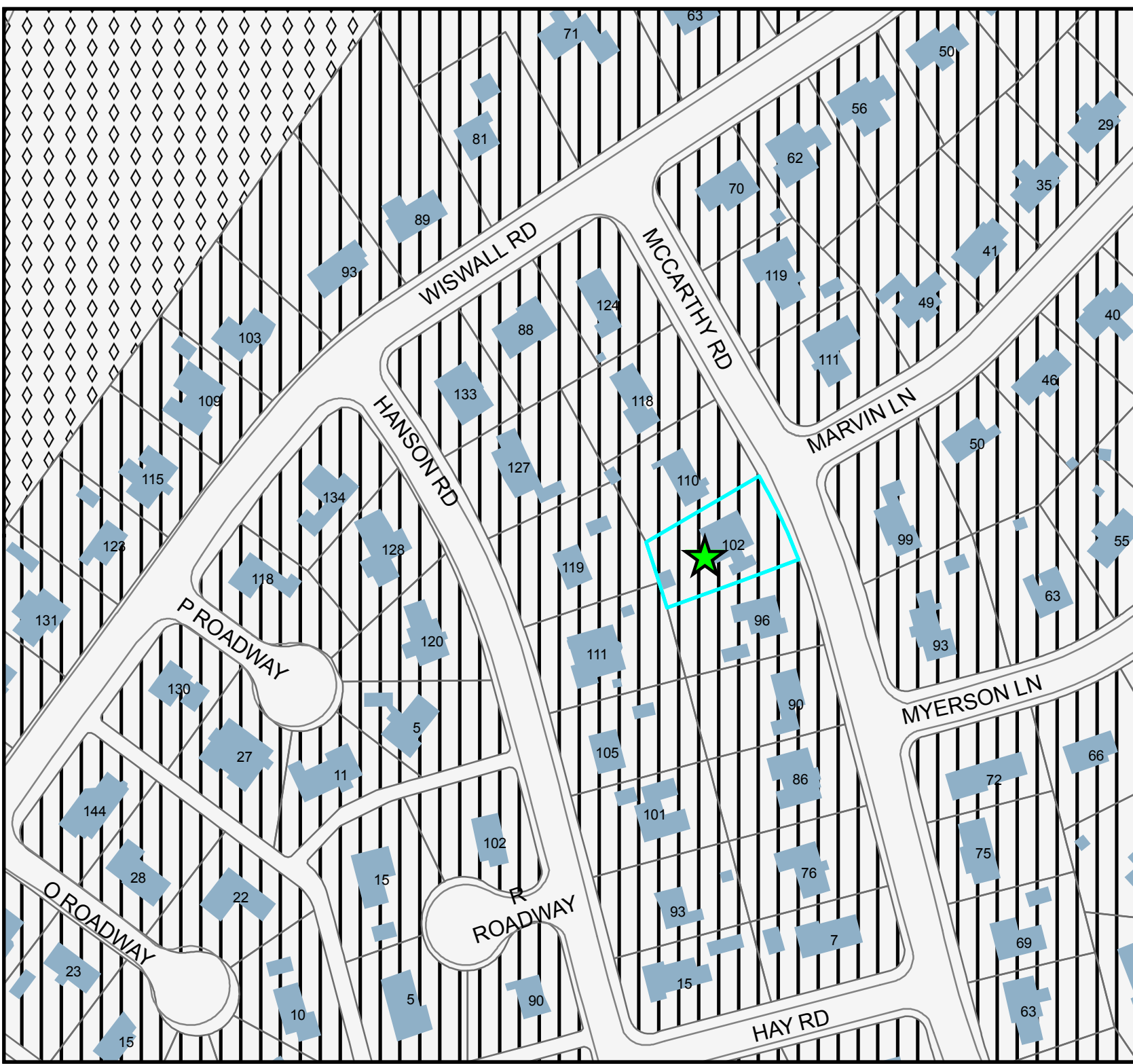
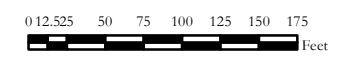
Land Use

-  Single Family Residential
-  Private Educational
-  Property Boundaries
-  Building Outlines



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







Zoning Map 102 McCarthy Road

*City of Newton,
Massachusetts*

ATTACHMENT C

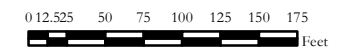
Legend

- Street Names
-  Single Residence 1
-  Single Residence 2
-  Property Boundaries
-  Building Outlines

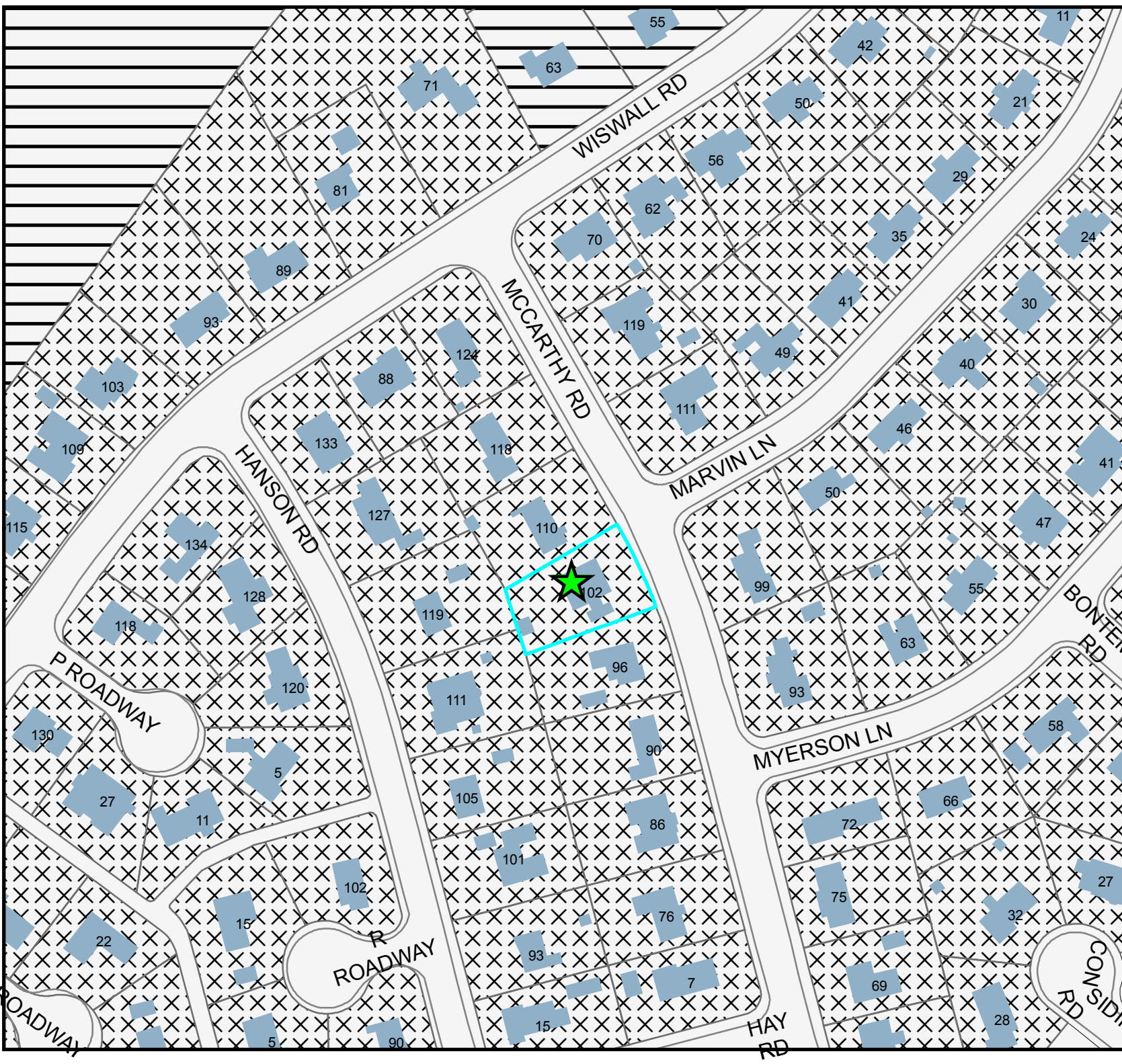


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: October 03, 2014





Setti D. Warren
Mayor

Attachment D

City of Newton, Massachusetts Department of Planning and Development

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: August 11, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Ray Ayotte, Contractor
Gongxiong Wu, Applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to increase already nonconforming FAR and to extend a nonconforming structure with regard to side setback

Applicant: Gongxiong Wu	
Site: 102 McCarthy Road	SBL: 84027 0006
Zoning: SR-2	Lot Area: 10,033 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 102 McCarthy Road consists of a 10,033 square foot lot improved with a single-family residence constructed in 1948. The structure consists of two and a half stories with an attached one-stall garage. The applicant proposes to remove the existing attached garage and breezeway and construct a new one-stall garage with a master suite and additional bedroom above maintaining the existing nonconforming side setback, vertically extending it. The applicant also proposes to construct an office and bath in the attic. The additional living space will exceed the maximum FAR allowed by the Ordinance, requiring a special permit.

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

- Zoning Review Application, prepared by Ray Ayotte, Harvey Remodeling, submitted 5/14/2014
- FAR calculations, undated
- Existing Site Plan, signed and stamped by Christopher C. Charlton, surveyor, undated
- Proposed Site Plan, undated
- Floor Plans – Existing Conditions, prepared by Harvey Remodeling, dated 4/16/2014
- Floor Plans – Proposed Conditions, prepared by Harvey Remodeling, dated 4/16/2014

- Elevations, prepared by Harvey Remodeling, dated 4/16/2014

ADMINISTRATIVE DETERMINATIONS:

1. The dwelling has an attached one-car garage with an existing nonconforming sideyard setback of 7.2 feet, where 7.5 feet is required by section 30-15, Table A. The applicant proposes to raze the garage and rebuild it with living space above to the same nonconforming setback. By adding living space above, the applicant vertically extends the existing nonconforming setback and requires a special permit per section 30-21(b) of the Ordinance.
2. The applicant’s existing nonconforming FAR is .42, where .38 is allowed by right. The proposed 1472 square foot addition will create an FAR of .56. A special permit is required to increase the existing nonconforming FAR per sections 30-15 Table A, 30-15(u)(2) and 30-21(b).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	10,033 square feet	No change
Frontage	80 feet	100 feet	No change
Setbacks			
• Front	25 feet	30.8 feet	No change
• Side	7.5 feet	7.2 feet	No change
• Rear	15 feet	52 feet	No change
FAR	.38	.42	.56
Max Lot Coverage	30%	19.2%	22%
Min. Open Space	50%	73.3%	65.1%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2)	Increase already nonconforming Floor Area Ratio (FAR)	S.P. per §30-24
§30-15 Table 1 30-21(b)	Vertically extend existing nonconforming side setback	S.P. per §30-24

**CITY OF NEWTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 102 McCarthy Road

Date: October 2, 2014

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Chief Planner
Dan Sexton, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

*102 McCarthy Road
Newton, MA
Prepared by: Clear Water Environmental
Dated: June 9, 2014
Revised: 8/7/14*

Executive Summary:

The proposed project includes the removal of the existing garage and breezeway, and constructing a new garage and living space. Based on the calculations submitted the threshold for on-site drainage is not required, however; the applicant is proposing an infiltration system designed for the 100-year storm event for the proposed work. The site plan however does not show the location of the system nor is there any detail of the system. Prior to the Building Permit on site soil evaluation will be required for verification of design assumption made by the engineer of record.

If the interior of the house is renovated or gutted out, then both water and sewer services shall be updated per the Utilities Division.

Drainage:

1. An on-site soil evaluation needs to be performed to obtain the seasonal high groundwater elevation, percolation rate in accordance to Title V. This information must be submitted with the drainage study. The locations of these tests need to be shown on the site plan and must be performed within 20-feet of a proposed system.
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of the drainage system installation. The utility in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, and Sidewalk Crossing permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.

6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
7. If a Certificate of Occupancy is requested prior to all site work being completed. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.