



#177-19

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 18, 2019
Land Use Action Date: September 2, 2019
City Council Action Date: September 9, 2019
90-Day Expiration Date: September 16, 2019

DATE: June 14, 2019

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Katie Whewell, Planning Associate

SUBJECT: **Petition #177-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage and shed and construct a 698.5 sq. ft. garage, further extending the non-conforming side setback at 92 Manet Road, Ward 7, Chestnut Hill, on land known as Section 61 Block 12 Lot 06, containing approximately 6,825 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.3.A.1, 7.8.2.C.2, 3.2.4.B.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



92 Manet Road

EXECUTIVE SUMMARY

The property located at 92 Manet Road contains a 6,825 square foot lot in the Multi Residence 1(MR-1) zone in Chestnut Hill. The lot is improved with a single-family residence constructed prior to 1924 and a detached garaged constructed in 1924. The petitioners are seeking to raze the existing garage and shed behind the garage and construct a 698.5 square foot garage that extends the nonconforming side setback.

As designed, the proposed garage replaces an existing garage and shed. Many of the homes on Manet Road have two car garages that appear to have nonconforming side setbacks. The proposed garage is also minimally expanding the footprint of the existing garage and shed. Additionally, the proposed garage will maintain the existing setback and is meeting all other dimensional requirements. Due to this, the Planning Department is unconcerned with the request to further extend the existing non-conforming side setback with the construction of the proposed garage.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the

Council should consider whether:

- The proposed garage that would further extend a nonconforming side setback is not substantially more detrimental than the existing nonconforming garage is to the neighborhood. (§3.1.3 and §7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

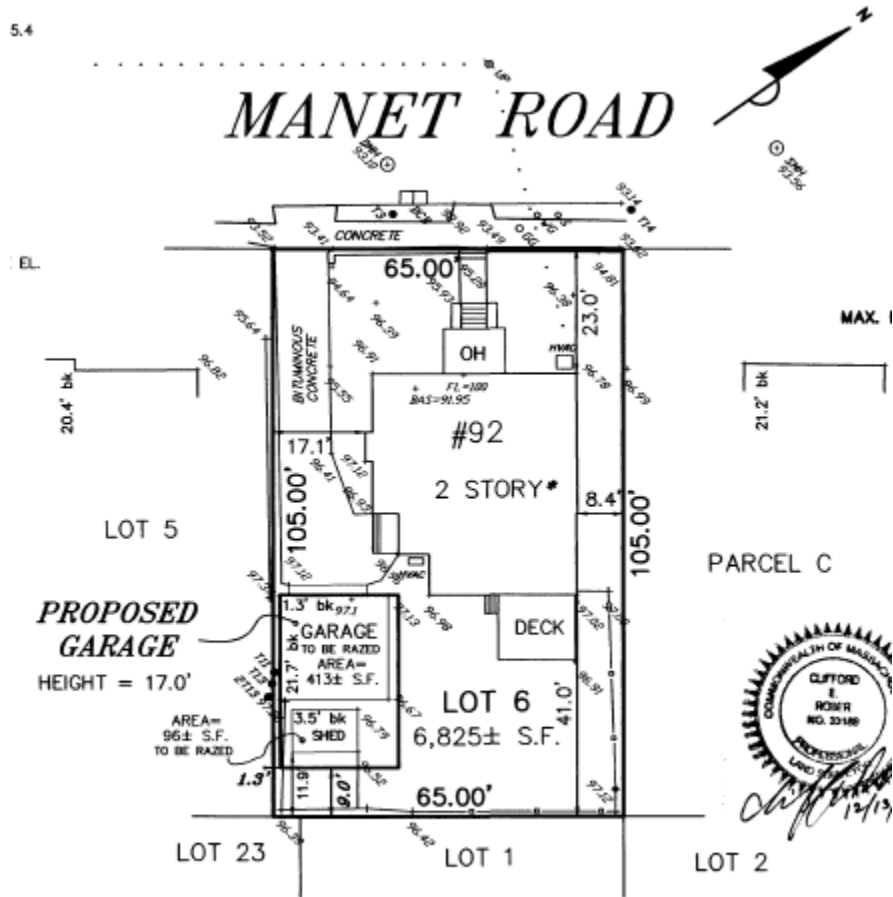
A. Neighborhood and Zoning

The subject property is located on Manet Road off Commonwealth Ave in the MR-1 zone in Chestnut Hill. The MR-1 zone encompasses the immediate area and adjacent properties, however properties further south on Manet Road are zoned Single Residence 2 (**Attachment A**). The neighborhood is largely residential but has a mix of single and multi-residential uses (**Attachment B**). Several of the other homes on Manet Road have detached two car garages that appear to have nonconforming side setbacks.

B. Site

The site consists of 6,825 square feet of land and is improved with a single-family two-story residence constructed prior to 1924. The lot is served by one curb cut, providing access to the driveway and detached garage. There is an existing 413 square foot garage to the rear of the site, with a 96 square foot shed behind the existing garage.

There is a slight upward slope from the front to the rear of the lot with mature landscaping at the front of the lot.



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Site and Building Design

The petitioners are seeking to raze an existing garage and shed totaling 509 square feet and construct a 698.5 square foot garage. The proposed garage will maintain the existing nonconforming side setback of 1.3 feet. The proposed garage will have parking for two cars as well as storage space that is intended to replace the existing shed that is to be demolished. The proposed garage will maintain a nine-foot setback from the rear of the

site, where five feet is required.

The Planning Department is unconcerned with the proposed garage that further extends the nonconforming side setback. The proposed garage is replacing an existing garage and shed, and there are several other detached two car garages in the neighborhood that appear to extend the nonconforming side setback. The proposed garage that extends the nonconforming side setback meets all other dimensional requirements.

Proposed Garage Elevations:



1 PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"



1 PROPOSED RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



1 PROPOSED LEFT ELEVATION
SCALE: 1/4" = 1'-0"



1 PROPOSED REAR ELEVATION
SCALE: 1/4" = 1'-0"

C. Parking and Circulation

The petitioners are not proposing any changes to either the parking on circulation.

D. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.1.3 and §7.8.2.C.2 of Section 30, to further extend a nonconforming side setback

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

On April 1, 2019, the garage was determined to be not historically significant and no further staff review was required.

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 Council Order

ATTACHMENT A

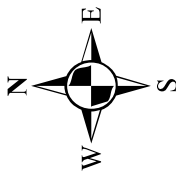
Zoning

92 Manet Road

City of Newton,
Massachusetts

Legend

- Single Residence 1
- Single Residence 2
- Multi-Residence 1

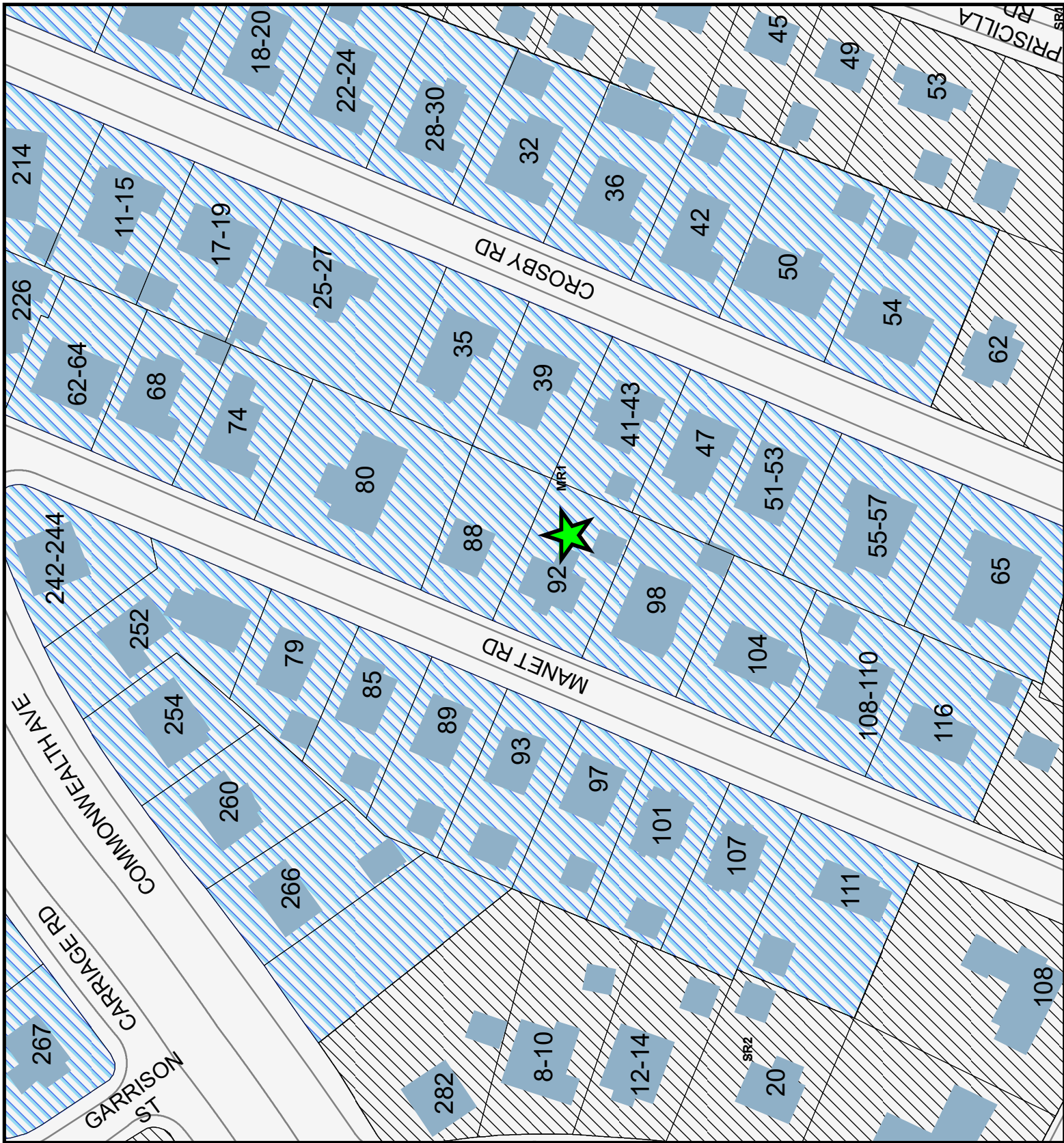


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: May 29, 2019



ATTACHMENT B

Land Use

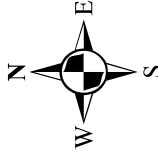
92 Manet Road

City of Newton,
Massachusetts

Legend

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Vacant Land

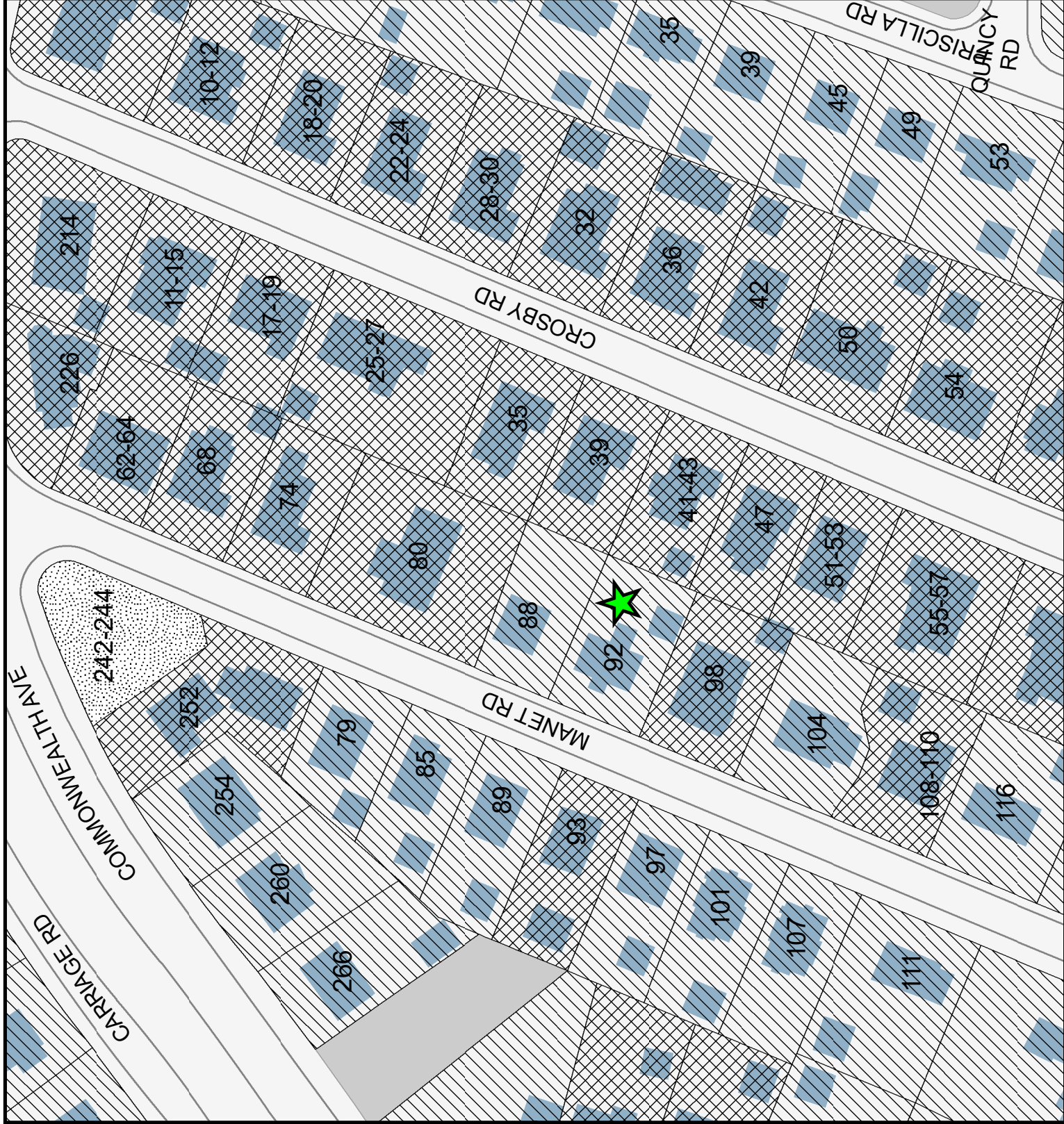


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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 15, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: David Miller and Ruth Hertzman-Miller, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to further extend a nonconforming side setback of an accessory structure

Applicant: David Miller and Ruth Hertzman-Miller

Site: 92 Manet Road	SBL: 61012 0006
Zoning: MR1	Lot Area: 6,825 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 92 Manet Road consists of a 6,825 square foot lot improved with a single-family residence prior to 1924 and a detached garage built in 1924. The garage was constructed 1.3 feet from the southern side lot line. The petitioner proposes to raze the existing garage and a separate shed located behind the garage and construct an enlarged garage, further extending the nonconforming side setback.

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

- Zoning Review Application, prepared by Ruth Hertzman-Miller, applicant, dated 3/20/2019
- FAR Worksheet, submitted 3/20/2019
- Plot Plan, prepared by Rober Survey, surveyor, dated 12/13/2018
- Proposed Plot Plan, prepared by Rober Survey, surveyor, dated 12/13/2018

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to raze an existing detached garage and a 96 square foot detached shed located behind the garage in the southern corner of the lot. The existing garage was constructed 1.3 feet from the side lot line in 1924. The petitioner intends to construct a 698.5 square foot garage, extending the 1.3-foot setback further along the side lot line, encompassing the space that the existing garage and shed now occupy. A special permit pursuant to Sections 3.4.3.A.1 and 7.8.2.C.2 is required to further extend the nonconforming side setback to allow for construction of the detached garage.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	6,825 square feet	No change
Frontage	70 feet	65 feet	No change
Setbacks: Principal <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	23 feet 8.4 feet 41 feet	No change No change No change
Setbacks: Accessory <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 5 feet 5 feet	>50 feet 1.3 feet 11.9 feet (to shed)	No change No change 9 feet
FAR	.53	.41	.45
Max Lot Coverage	30%	16.9%	18.6%
Min. Open Space	50%	75.4%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.3.A.1, §7.8.2.C.2	Request to further extend a nonconforming side setback	S.P. per §7.3.3

#177-19
92 Manet Road

CITY OF NEWTON
IN CITY COUNCIL

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 extend the non-conforming side setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed garage that would further extend a nonconforming side setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood given that the proposed garage meets all other dimensional requirements and there are many other two car detached garages that appear to have nonconforming side setbacks. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #177-19

PETITIONER: Ruth Hertzman Miller and David RH Miller

LOCATION: 92 Manet Road., on land known as Section 61, Block 12, Lot 6, containing approximately 6,825 square feet of land

OWNER: Ruth Hertzman Miller and David RH Miller

ADDRESS OF OWNER: 92 Manet Road
Newton, MA 02467

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend the nonconforming side setback by razing an existing garage and shed and constructing a new garage.

ZONING: Multi 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 Plot Plan, signed and stamped by Clifford E. Rober, Professional Land Surveyor, dated December 13, 2018.
 - b. A2.1 Miller Residence, Proposed Front Elevation
 - c. A2.2 Miller Residence, Proposed Right Elevation
 - d. A2.3 Miller Residence, Proposed Rear Elevation
 - e. A2.4 Miller Residence, Proposed Rear 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. 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
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 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 architect.