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James Freas  
Acting Director

**PUBLIC HEARING/WORKING SESSION MEMORANDUM**

**DATE:** March 27, 2015  
**MEETING DATE:** March 31, 2015  
**TO:** Land Use Committee of the Board of Aldermen  
**FROM:** James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Daniel Sexton, Senior Planner  
**CC:** Petitioner

In response to questions raised at the Land Use Committee public hearings, and/or staff technical reviews, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

**PETITION #366-14**

**143 Lincoln Street**

Request for Special Permit/Site Plan Approval to allow the expansion of an existing two-family, which is a nonconforming use in the single residence district, and to exceed the maximum allowable floor area ratio (FAR).

The Land Use Committee (Committee) held public hearings on December 9, 2014, February 10, 2015, and February 17, 2015, which were held open so that the petitioner could respond to questions/concerns that were raised in the Planning Department's memorandums and at the public hearing by the Committee and public. The petitioner submitted supplemental information on March 24, 2015 in response to the questions/concerns that were raised. Overall, the Planning Department finds that the petitioner's responses are complete, and provides the following comments:

**Revised Plans.** The petitioner submitted a revised set of plans, in response to comments and concerns raised at the last public hearing. The petitioner lowered the roof in a portion of the expanded structure, significantly reducing the attic space associated with Unit B. The size of the detached garage was also reduced from 592 square feet to 568 square feet. These changes appear to reduce the visual bulk and mass of the structures on the site from Mountfort Road, and reduced the gross floor area counted toward floor area ratio by 440 square feet.

The Planning Department believes the petitioner has made significant progress in modifying the design of the structure from the original configuration. The Planning Department, however, did encourage the petitioner to go further and design the second-story rear addition in a true mansard style, and not with a hybrid mansard 'looking' roof. The image below is an example of a second floor addition to an existing dwelling that was built in the Second Empire Victorian style, which was recently approved by special permit. Although historic documentation indicates that additions to building of this style have taken many different forms, the Planning Department believes this approach would further subordinate the addition, allow the addition to better compliment the restored principal structure, and would ensure a building design that is consistent and respectful of the historic structures in the surrounding neighborhood, particularly along Mountfort Avenue. The petitioner is not receptive to this approach, as it will further reduce the usable floor area on the second floor of the addition.



Drawing of rear addition at 85 Erie Avenue.

After further review of information provided by the petitioner, the Planning Department determined that the proposed project can receive an additional increase in FAR of .02 above the previously determined FAR of .36. Thus the maximum allowable FAR for the project, as proposed, is .38. The latest design with an FAR of .41 is only 353 square feet more than what is allowed by right. The Planning Department believes the structure, with the expanded two-family use, is not significantly more detrimental than the existing nonconforming use is to the surrounding neighborhood, as the result unit sizes of 2,068 square feet (Unit A) and 2,191 square feet (Unit B) are generally appropriate for this neighborhood.

**Community Meeting Results.** A community meeting, facilitated by the petitioner and the Planning Department, was held on Wednesday, March 25, 2015 with residents of the surrounding neighborhood to discuss the latest design for the two-family structure. According to the discussion observed by the Planning Department, the residents generally felt that the latest redesign of the structure was improved with the lowered roof. The abutters were also supportive of the proposed changes to the driveway, which reduced the driveway width and the amount of impervious surface. The residents also had some comments regarding the existing landscaping on the site, but the Planning Department believes these comments will be address by the proposed landscape plan.

**By Right Project.** The petitioner provided conceptual drawings for a by right single-family dwelling, with carport, that could be developed on the site. The Planning Department would need additional information to confirm whether the concept structure complies with all the dimensional controls in the Newton Zoning Ordinance (NZO). The Planning Department notes, however, that a by right project would not require special permit approval, the petitioner would not be obligated to seek input from abutting property owners, and the stylistic design of the dwelling may not be in keeping with the surrounding neighborhood.

**Recommendation.**

Based on the supplemental information submitted, the Planning Department finds the petition to be complete. The Planning Department is supportive of the project and recommends approval with conditions.