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James Freas
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PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 12, 2015
Land Use Action Date: June 9, 2015
Board of Aldermen Action Date: June 15, 2015
90-Day Expiration Date: August 10, 2015

DATE: May 8, 2015

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 #65-15(2)**, THOMAS C. CHALMERS AUSTIN DESIGN, INC. for KATHLEEN & NEAL KENSLEA, for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition to the basement and first floor levels of a single-family dwelling, which will increase the Floor Area Ratio from .35 to .41, where .36 is the maximum allowed by right, at 20 KINGSTON ROAD, Ward 6, Newton Highlands on land known as SBL 54, 21, 10, containing approximately 11,902 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-15(u)(2) 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 Working Session.



20 Kingston Road

EXECUTIVE SUMMARY

The property at 20 Kingston Road consists of an 11,902 square foot lot, and is improved with a 2½-story single-family residence constructed in 1928. The petitioner is proposing to construct a two-story addition to the rear of the dwelling, which will enlarge the existing basement and first floor levels by a total of 710 square feet. The topography of the site is such that the proposed addition will result in the creation of a 3½-story structure, where 2½ stories are allowed, and increases the floor area ratio (FAR) of structure from .35 to .41, where a .36 FAR is the maximum allowed by right. In order to construct the addition as proposed, the petitioner is seeking a special permit to exceed the maximum allowable FAR. The petitioner will be separately seeking a variance from the City's Zoning Board of Appeals to allow the creation of a 3½-story structure in a Single Residence 2 district.

The Planning Department has no particular concerns with this petition. The *Newton Comprehensive Plan*, adopted in 2007, encourages residential property owners to consider modest additions to older homes in order to preserve the existing structure, while allowing them to meet the needs of today's families. The project will be partially visible from Kingston Road and Cold Spring Park, which abuts the property to the rear, thus the petitioner has designed the addition to be subordinate to the current structure and echo certain architectural elements present on the existing dwelling. The resulting building lot coverage of 13.7% will be far below the maximum 30% allowed, and the proposed open space of 74% will exceed the minimum requirement of 50%. For these reasons, the Planning Department believes the proposed addition is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed addition, which will increase the existing FAR of .35 to .41, where the maximum allowable FAR is .36, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§30-15(u)(2) and §30-15 Table A)
- The site is an appropriate location for the proposed addition, which will modestly expand an existing single-family dwelling. (§30-24(d)(1))
- The expanded single-family dwelling as developed will not adversely affect the neighborhood. (§30-24(d)(2))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located along Kingston Road on the east side of the street, near the intersection of Plymouth Road and Kingston Road. The subject property and

the surrounding residential neighborhood consist of single-family residences, but the site is directly abutted by the City owned Cold Spring Park (**ATTACHMENT A**). The immediate neighborhood and subject property are zoned Single Residence 2 (**ATTACHMENT B**). The adjacent park is zoned Public Use.

B. Site

The site consists of approximately 11,902 square feet of land, and is improved with a 2½-story single-family residence constructed in 1928. The topography of the site slopes down significantly from the front to the rear of the site, with an elevation change of approximately 40 feet (**ATTACHMENT C**). The property has a bituminous driveway along the northern property line, which wraps around the dwelling at the rear of the house to provide access to a surface parking area. The remaining portions of the property consist of lawn. The site is partially screened by existing mature conifer trees and deciduous trees.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The use will remain a single-family residence.

B. Building and Site Design

The petitioner is proposing to construct a modest addition to the rear of the existing structure, comprised of an enlarged basement and family room (1st floor). The addition will expand the footprint of the existing structure by approximately 355 square feet. The petitioner is also proposing to demolish the existing attached deck and construct a new deck to the south of the addition and behind the existing structure.

The addition has been designed to be subordinate to the existing structure in that the northern façade of the addition is partially recessed to articulate this wall plane and the proposed flat roof is below the existing eave of the 2nd floor. The addition will have exterior cladding consisting of cedar clapboard and stucco on the chimney.

Since the topography of the site slopes significantly down from the front to the rear, the proposed addition changes the grade plane average so-as to render the basement the first story. The construction of the addition also results in the total gross floor area for the basement counting toward FAR. As such, the proposed addition increases the total square footage of the structure from approximately 4,118 square feet to 4,828 square feet. The resulting building lot coverage of 13.7% will be far below the maximum 30% allowed, and the proposed open space of 74% will exceed the minimum requirement of 50%.

To further understand how the mass and bulk of the expanded residence compares to other structures in the surrounding neighborhood, staff completed an analysis

using data from the Assessors Database (**ATTACHMENT D**). City staff acknowledges the limitation of the Assessors Database, and notes that the data should be viewed as rough approximations. The following table summarizes the results:

	<u>Average</u>	<u>Median</u>	<u>Proposed</u>
Total Building SF	3,806	3,756	4,828
Lot Size	10,337	10,568	11,902
Approx. FAR	.38	.36	.41

As the data indicates, the proposed addition will create a total square footage of the structures on the site that is larger than the average and median size of the buildings found in the surrounding neighborhood. In terms of FAR, the proposed structure will result in an FAR that is slightly higher than the average and higher than the median FARs found on surrounding properties. It is not clear, however, how much of the basement of the surrounding dwellings should count towards FAR, and therefore the above reported FAR may be significantly higher than reported. It is also important to note that many of the immediate properties that front on Kingston Road and abut Cold Spring Park appear to have similarly high FARs to what is being proposed. Due to the topography of the site, which is steep, the project is designed so as to be responsive to the existing grades. While the proposed addition does increase the mass and bulk of the structure, the petitioner's architect has designed the addition to be subordinate to the current dwelling and minimize the visual impact on abutting properties.

The Planning Department is not particularly concerned with the proposed addition, as the resulting structure will not substantially increase the footprint of development on the site and the topography of the site requires the petitioner to count their entire basement in the calculation of FAR. Further, the addition has been designed to blend into the topography and minimize the visual impact from Kingston Road. The *Newton Comprehensive Plan* also encourages property owners to consider modest additions to older homes in order to preserve the existing structure. For these reasons, the Planning Department believes the proposed addition and the resulting expanded structure are not in derogation of the size, scale, and design of other structures in the neighborhood.

C. Landscape Screening

The site has a significant amount of existing mature vegetation in the rear of the site and along the north and south property lines, which will partially screen the addition from view and additional landscape screening does not appear necessary. No additional screening is recommended at this time.

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 E**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §30-15 Table A, §30-15(u), to exceed the allowed FAR.

In order to allow the addition as proposed, the petitioner must also obtain a variance from the City Zoning Board of Appeals for the following provision of the Newton Zoning Ordinance:

- §30-15 Table 1, to allow a 3½-story structure in a Single Residence 2 district, where 2½ stories is the maximum allowed.

B. Engineering Review

The Associate City Engineer submitted an Engineering Review Memorandum (**ATTACHMENT F**), providing an analysis of the proposal with regard to engineering issues. According to this analysis, the modest addition and deck will be constructed over existing impervious surface; therefore, no on-site drainage is required. The grading and design of the proposed retaining walls associated with this project will be reviewed prior to issuance of a building permit.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

ATTACHMENT A:	Land Use Map
ATTACHMENT B:	Zoning Map
ATTACHMENT C:	Topography Map
ATTACHMENT D:	Parcel Comparison
ATTACHMENT E:	Zoning review Memorandum, dated January 21, 2015
ATTACHMENT F:	Engineering Review Memorandum, dated April 30, 2015

Land Use Map 20 Kingston Road

*City of Newton,
Massachusetts*

ATTACHMENT A

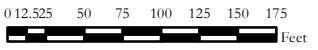
Legend

- Land Use**
- Single Family Residential
 - Open Space
 - Vacant Land
 - Property Boundaries
 - Building Outlines

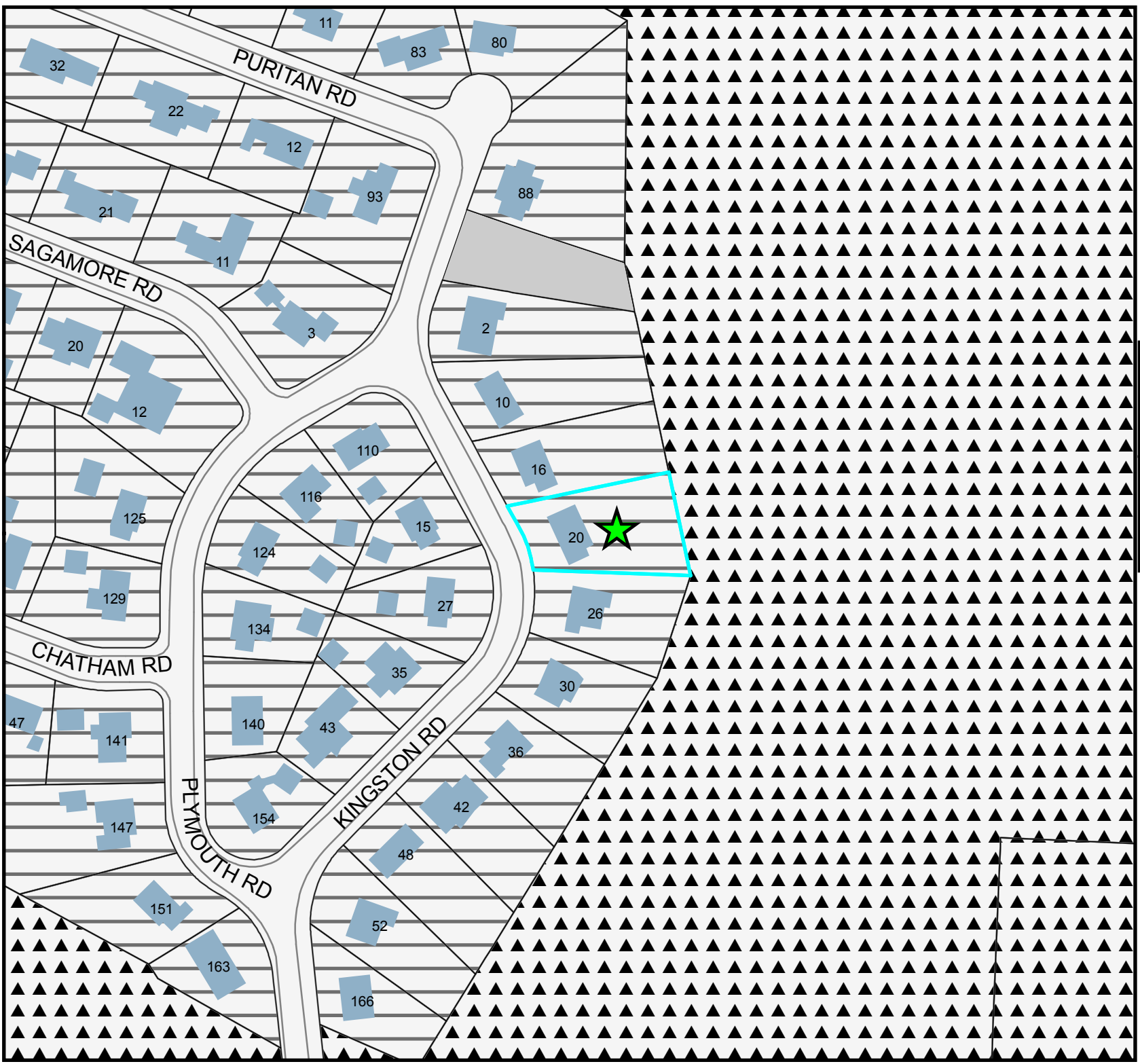


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: May 05, 2015







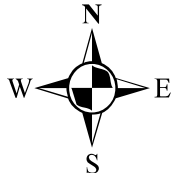
Zoning Map 20 Kingston Road

*City of Newton,
Massachusetts*

ATTACHMENT B

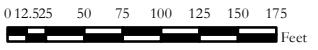
Legend

-  Single Residence 2
-  Public Use
-  Property Boundaries
-  Building Outlines

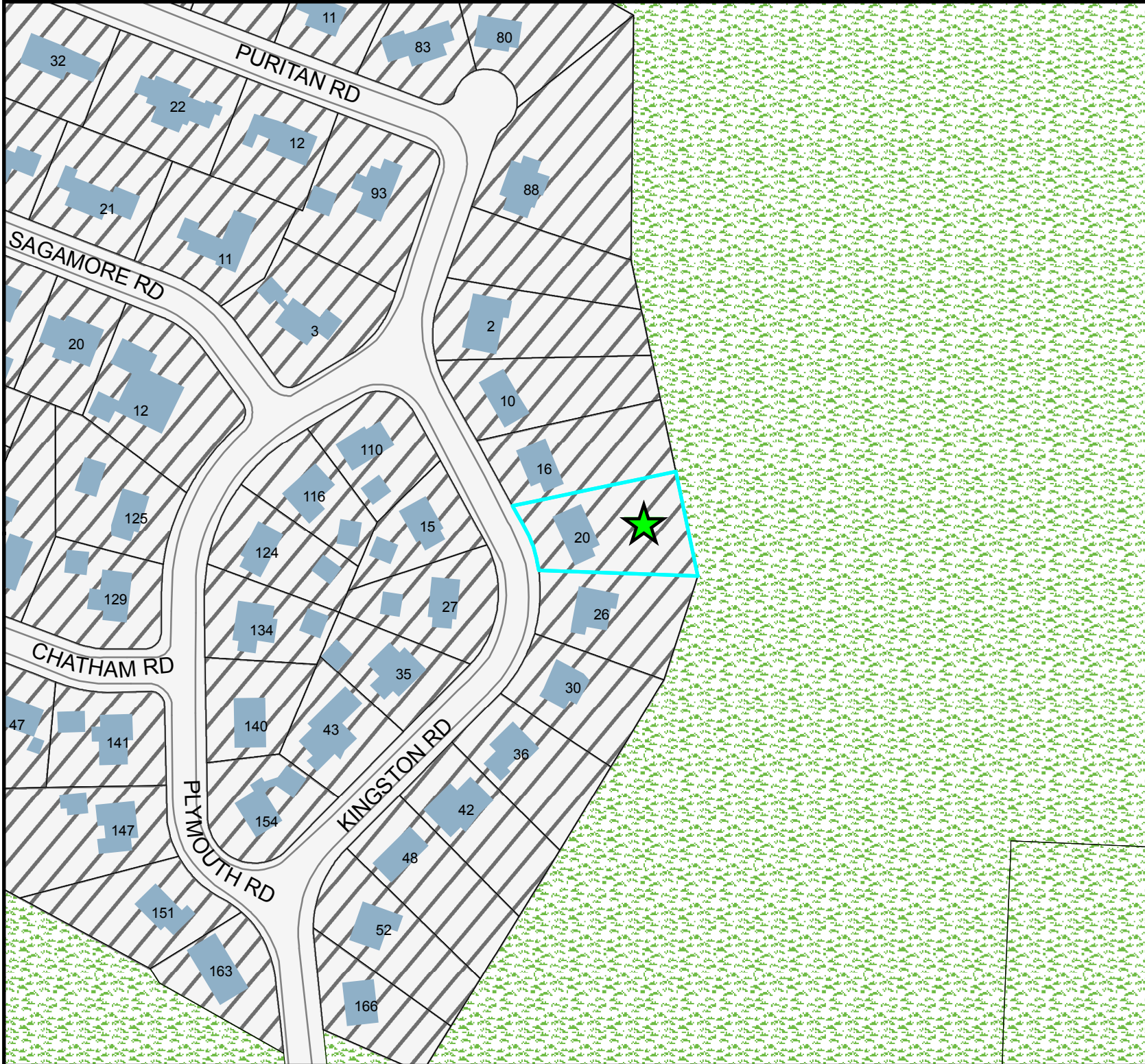


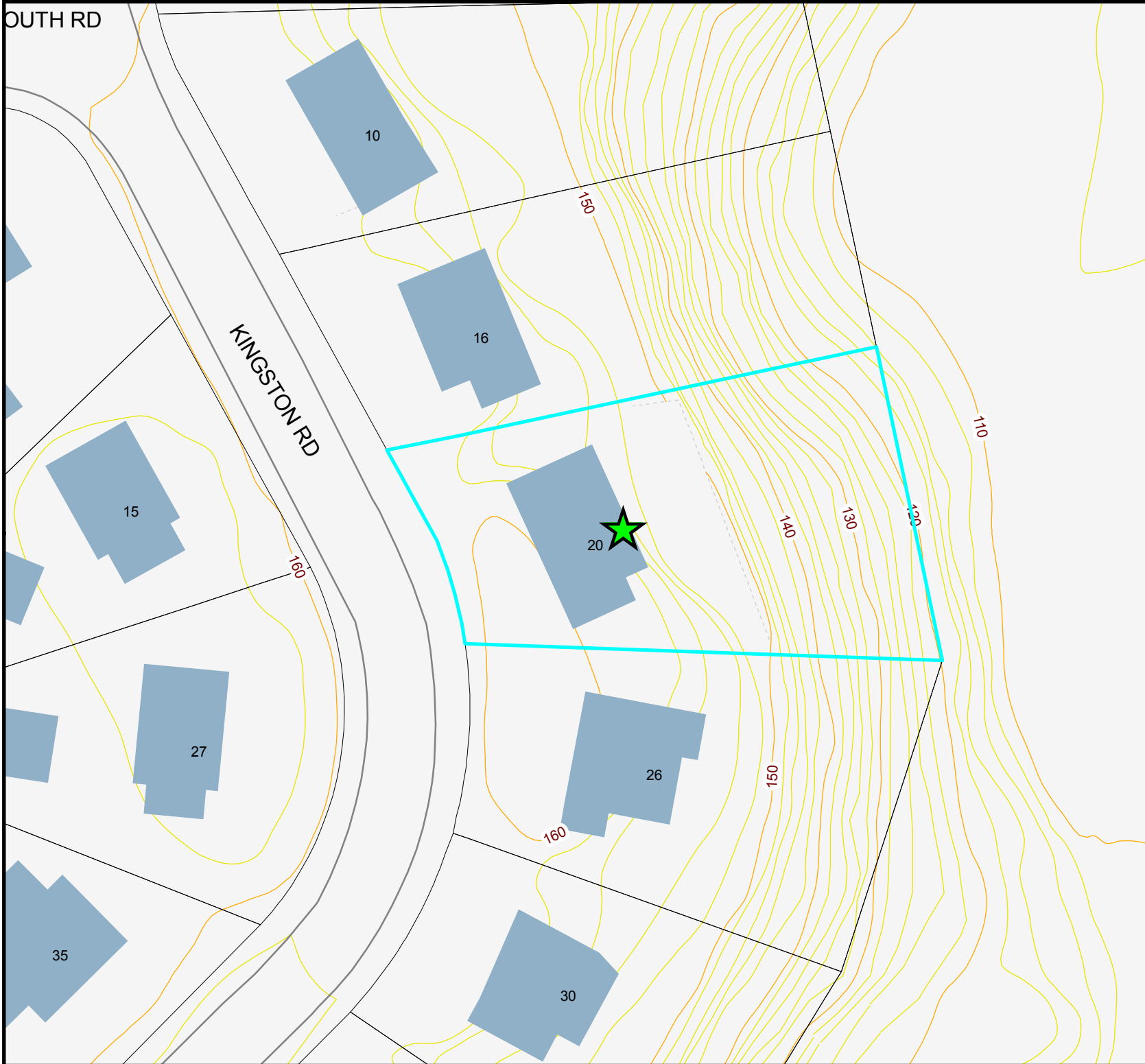
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Map Date: May 05, 2015





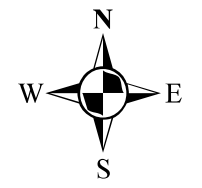
Topography Map 20 Kingston Road

*City of Newton,
Massachusetts*

ATTACHMENT C

Legend

- Contour Lines**
- Two Foot Contour
 - Index (10 Foot) Contour
 - Depression Contour
 - Wall
 - Property Boundaries
 - Building Outlines



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Parcel Comparison of Lots Surrounding 20 Kingston Road

Property	Total Building SF	Lot Size	Approx. FAR
20 Kingston Road*	4,118	11,902	0.36
16 Kingston Road	3,656	11,280	0.32
10 Kingston Road	3,855	12,104	0.32
110 Plymouth Road	4,042	8,768	0.46
15 Kingston Road	3,639	7,312	0.50
27 Kingston Road	4,376	9,856	0.44
30 Kingston Road	3,534	9,856	0.36
26 Kingston Road	3,224	11,616	0.28
Average	3,806	10,337	0.38
Median	3,756	10,568	0.36
20 Kingston Road**	4,828	11,902	0.41

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 20 Kingston Road.

** Proposed conditions, with addition, for 20 Kingston Road



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ATTACHMENT E

City of Newton, Massachusetts
Department of Planning and Development

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: January 21, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Neal and Kathleen Kenslea, Applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for variance to allow a single-family dwelling with 3.5 stories and for a special permit to exceed FAR

Applicant: Neal and Kathleen Kenslea	
Site: 20 Kingston Rd	SBL: 54021 0010
Zoning: SR2	Lot Area: 11,902 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 20 Kingston Rd consists of a 11,902 square foot lot improved with a single-family residence built in 1928. The existing structure remains largely in its original condition, with only a deck addition at the rear. The structure is 2.5 stories with a building height of 34.9 feet. The topography of the property slopes steeply downward from the front to the rear.

The applicants propose a two-story rear addition to the basement and first floor levels. Because of the slope of the topography, more than half of the distance between the floor of the proposed basement level addition and next ceiling above it will be above the average grade plane adjacent to the building. Therefore, the basement level becomes the first story, as defined the by the Ordinance. This renders the dwelling 3.5 stories, where only 2.5 are allowed by Section 30-15, Table 1.

The applicants are requesting a variance from the maximum number of stories allowed in the Single Residence 2 district to allow for a 3.5 story single-family dwelling, where 2.5 is the maximum.

The proposed addition increases the FAR from .35 to .41, which exceeds the .36 allowed by right. A special permit is required to exceed FAR.

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

- Variance Application, prepared by Neal and Kathleen Kenslea, applicants, submitted 11/21/2014
 - Building Permit Refusal Form, date 11/19/2014
 - Photos
 - Letter of support, signed by Ram and Shuba Srinivasan, dated 11/10/2014
 - Letter of support, signed by Martin and Julie Kay, dated 11/10/2014
 - Middlesex County Registry of Deeds plan, filed 5/27/1926
 - Plan of Land, proposed additions, signed and stamped by Bruce Bradford, dated 10/14/2014
 - Construction documents, signed and stamped by Thomas Chalmers, architect, dated 7/24/2013, revised 8/13/2014
- Zoning Review Application, prepared by Neal and Kathleen Kenslea, applicants, dated 8/18/2014
- FAR calculations, prepared by Thomas C Chalmers, architect, dated 8/13/2014

ADMINISTRATIVE DETERMINATIONS:

1. Section 30-15, Table 1 requires single-family structures in the Single Residence 2 district not exceed 2.5 stories. Given the steep downward sloping topography of the lot, the proposed two-story rear addition will change the grade plane average so-as to render the basement the first story, thus creating a dwelling with 3.5 stories, where 2.5 currently exist and meet the requirements of the Ordinance. A variance is required to build the addition as proposed.
2. The existing FAR for the property is .35. The proposed additions create an FAR of .41, where .36 is the maximum allowed by right. A special permit is required to build as proposed per Section 30-15(u)(2).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	11,902 square feet	No change
Frontage	80 feet	65 feet	No change
Setbacks for existing structure			
• Front	25 feet	23 feet	No change
• Side	7.5 feet	7.5 feet	No change
• Rear	15 feet	+/- 70 feet	52.1 feet
Number of stories	2.5	2.5	3.5
Height	36 feet	34.9 feet	35.9 feet
Min Open Space	50%	75%	74%
Max Lot Coverage	30%	10.7%	13.7%
FAR	.36	.35	.41

Zoning Relief Required

<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table 1	To allow 3.5 stories	Variance
§30-15(u)(2)	Exceed maximum FAR	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 – 20 Kingston Road

Date: April 30, 2015

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:

*Plan of Land in
Newton, MA
20 Kingston Road
Prepared by: Everett M. Brooks Company
Dated: August 13, 2014*

Executive Summary:

The owners of this single family home propose to add a modest addition and decks, to the rear of the home over existing impervious surface (paved area and walkway) therefore no on site drainage is required.

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. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
3. 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.*
4. 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.