



Setti D. Warren
Mayor

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 14, 2016
Land Use Action Date: July 26, 2016
City Council Action Date: August 1, 2016
90-Day Expiration Date: August 5, 2016

DATE: June 10, 2016

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Neil Cronin, Senior Planner for Current Planning

SUBJECT: **Petition #176-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the non-conforming number of stories to 3.5 where 2.5 is the maximum allowed by-right at **47 Lewis Street**, Ward 1, Newtonville, on land known as SBL 13, 02, 20 containing approximately 10,315 sf of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. §1.5.4.D, Sec. §1.5.4.E, Sec. §1.5.4.F, §3.2.3, §7.8.2.C.2, §7.3.3, of Chapter 30 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.



47 Lewis Street

EXECUTIVE SUMMARY

The property located at 47 Lewis Street consists of a 10,315 square foot lot improved with a colonial-style two-family residence built in 1925. Due to the average grade of the property, the structure has 3.5 stories, where 2.5 is the maximum allowed. The property is located in the Multi-Residence 1 zoning district in Newtonville. The petitioner is proposing to install dormers to the attic level of the structure. To install the dormers, the applicant is seeking a special permit to further increase the non-conforming number of stories where 2.5 is the maximum allowed by-right.

The Planning Department is not concerned with the installation of the proposed dormers. The dwelling is located in a neighborhood of other similarly-scaled dwellings and the petitioner is not seeking to to the footprint of the house. The proposed dormers are on the sides of the structure. For these reasons, the Planning Department believes the extension of a nonconforming structure with respect to the number of stories will not substantially more detrimental than the existing nonconforming structure is to the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The proposed increase in the nonconforming number of stories is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§1.5.4.D, §1.5.4.E, §1.5.4.F, §3.2.3 and §7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Lewis Street, in a Multi-Residence 1 District. The neighborhood is comprised of single and multi-family residential uses. Cabot Park is 300 feet to the west. To the north at the intersection of Lewis Terrace and Washington Street, are MBTA bus stops with connections to downtown Boston, Waltham, and Riverside Station. **(Attachments A & B).**

B. Site

The site consists of 10,315 square feet of land, and is improved with a 3.5 story colonial-style single-family residence built in 1938.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain a two-family residence.

B. Building and Site Design

The applicant is proposing to install dormers on the east and west sides of the structure to create a master bedroom. The existing dwelling otherwise meets all of the dimensional controls as stipulated in the NZO, including new lot setbacks.

C. Parking and Circulation

No changes are proposed to either the parking or circulation.

D. Landscape Screening

A landscape plan is not required 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 the following relief:

- §1.5.4.D, §1.5.4.E, §1.5.4.F, §3.2.3, and §7.8.2.C.2 of Section 30, to further increase the nonconforming number of stories.

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

176-16
Attachment A
Zoning Map
47 Lewis St.

*City of Newton,
Massachusetts*

Legend

- Single Residence 2
- Single Residence 3
- Multi-Residence 1
- Public Use
- Building Outlines
- Property Boundaries

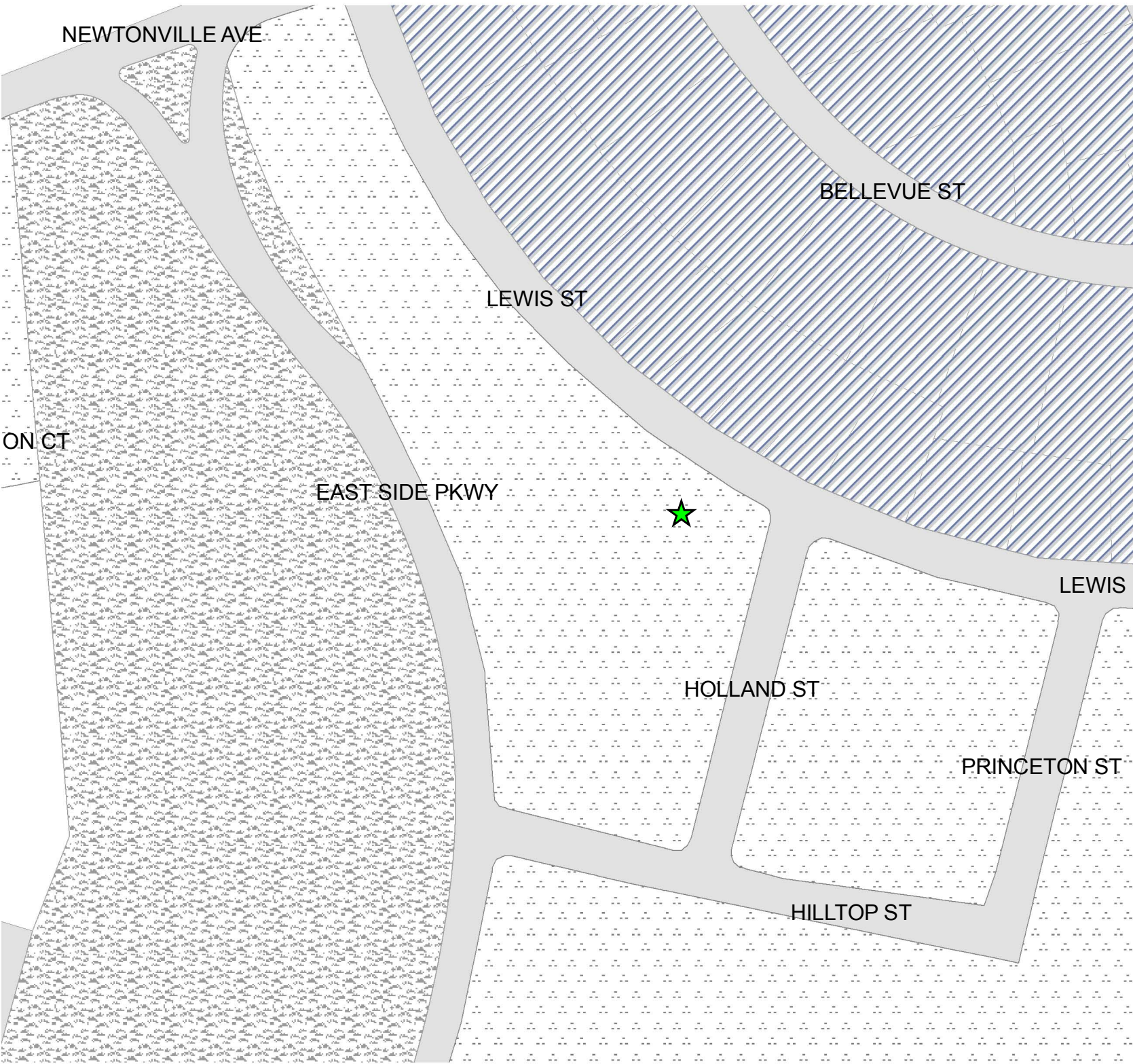


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

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Feet

Map Date: June 09, 2016

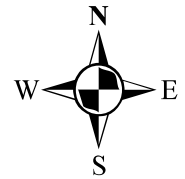


176-16
Attachment B
Land-Use Map
47 Lewis St.

*City of Newton,
 Massachusetts*

Legend

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

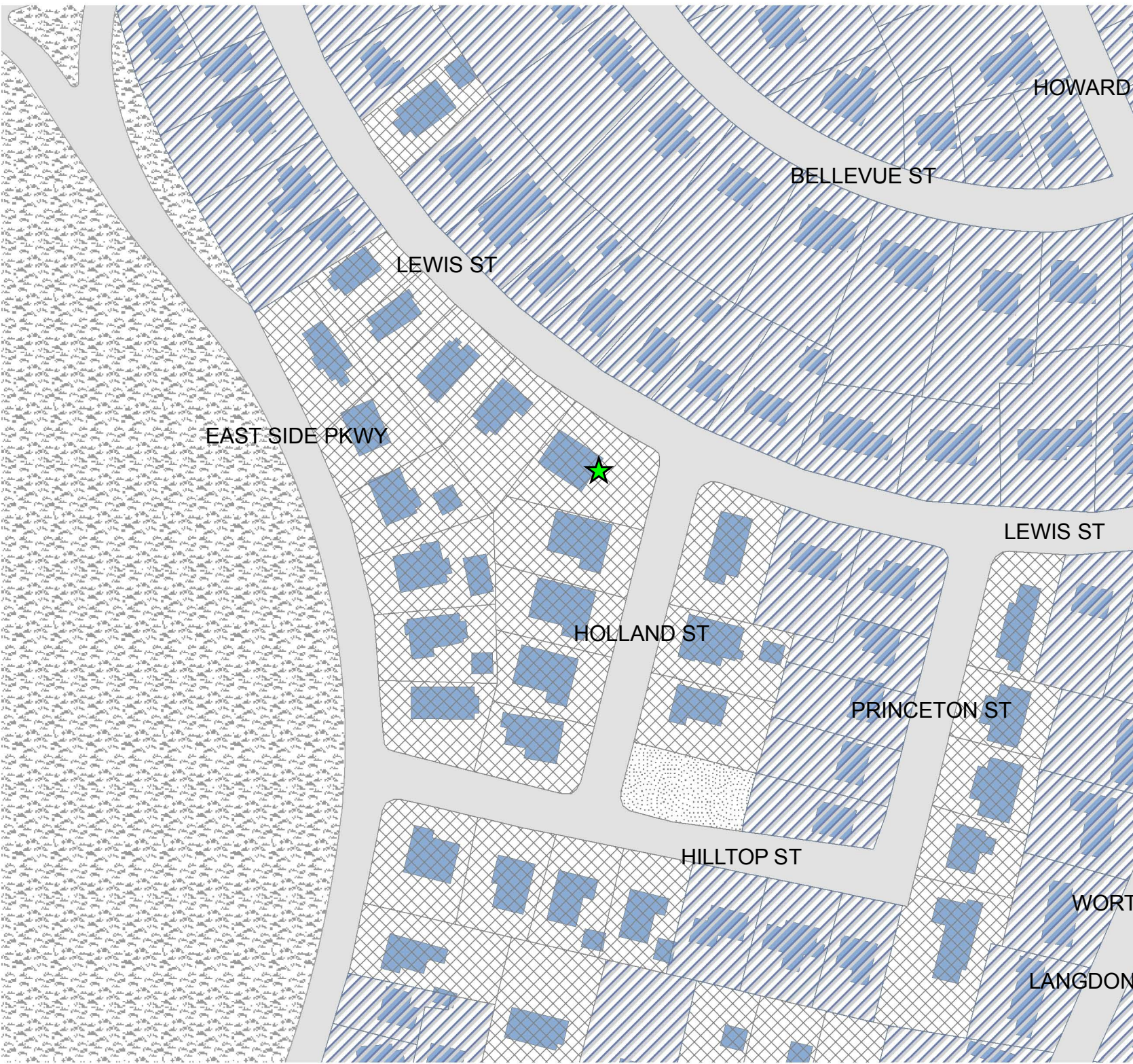


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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: April 12, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Katherine Grenzeback, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend a nonconforming three-story single-family structure

Applicant: Katherine Grenzeback	
Site: 47 Lewis Street	SBL: 13002 0020
Zoning: MR1	Lot Area: 10,315 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 47 Lewis Street consists of a 10,315 square foot lot improved with a two-family dwelling constructed in 1925. Due to the average grade of the property, the structure has 3.5 stories, where 2.5 is the maximum allowed. The applicant proposes to add dormers to the attic level, which will further increase the nonconformity of the attic level, requiring a special permit.

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

- Zoning Review Application, prepared by Katherine Grenzeback, applicant, dated 3/7/2016
- FAR Worksheet, submitted 3/7/2016
- Plot Plan, signed and stamped by Paul J. Finocchio, surveyor, dated 10/30/2010
- Architectural Plans, prepared by Ingrid Nunez, architect, dated 6/1/2015

ADMINISTRATIVE DETERMINATIONS:

- The average grade plane surrounding the structure creates 3.5 stories per Section 1.5.4.D through F. Section 3.2.3 allows a maximum of 2.5 stories in the MR1 zoning district. To add dormers to the attic level further increases the nonconforming nature of the number of stories. A special permit pursuant to Sections 3.2.3 and 7.8.2.C.2 is required to further increase the already nonconforming number of stories.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	10,315 square feet	No change
Frontage	70 feet	91 feet	No change
Setbacks			
• Front (Lewis St)	25 feet	32.9 feet	No change
• Front (Holland St)	25 feet	56.2 feet	No change
• Side	7.5 feet	8.0 feet	No change
• Rear	15 feet	17.5 feet	No change
Building Height	36	36.9 feet	No change
Max Number of Stories	2.5	3.5	No change
FAR	.51 (.48 + .02 bonus)	.46	.47

- See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§1.5.4.D- F §3.2.3, §7.8.2.C.2	Request to further increase nonconforming number of stories	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

June 20, 2016

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 increase the nonconforming number of stories, where 2.5 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed increase in the nonconforming number of stories, where 2.5 is the maximum allowed by-right will not be substantially more detrimental than the existing non-conforming structure is to the surrounding neighborhood because (§1.5.4.D, §3.1.3 and §7.8.2.C.2)
 - a. The proposed addition will neither add significant square footage, nor alter the foot print of the structure; and
 - b. The structure will still be in compliance with all other dimensional regulations, including setbacks, FAR, lot coverage, and open space.

PETITION NUMBER: #176-16

PETITIONER: Katherine Grenzeback & Ronan Wolfsdorf

LOCATION: 47 Lewis Street, on land known as Section 13, Block 02, Lot 20, containing approximately 10,315 square feet of land

OWNER: Katherine Grenzeback & Ronan Wolfsdorf

ADDRESS OF OWNER: 47 Lewis Street
Newton, MA 02465

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §1.5.4.D, §1.5.4.E, §1.5.4.F, §3.2.3 and §7.8.2.C.2, to further increase the non-conforming number of stories

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. Plot Plan of Land, signed and stamped by Paul J. Finocchio, surveyor dated October 30,2013
 - b. Architectural Plans and Elevations, signed and stamped by Ingrid Nunez, Architect, consisting of three (3) sheets A-1, A-2, and A-3 dated June 1, 2015
 - c. Attic Structural Plans, signed and stamped by Ingrid Nunez, Architect, sheet S-1 dated May 27, 2015
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 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.
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.