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Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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**129-13**

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Candace Havens  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 13, 2014  
Land Use Action Date: May 27, 2014  
Board of Aldermen Action Date: July 14, 2014  
90-Day Expiration Date: August 11, 2014

DATE: May 9, 2014

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Stephen Pantalone, Senior Planner

SUBJECT: **Petition #129-14**, MICHAEL & MARTHA GANGEMI for a SPECIAL PERMIT/SITE PLAN APPROVAL to replace an existing detached garage with a new detached garage at the rear of an existing single-family home, which will increase the nonconforming floor area ratio from .36 to .37, where .29 is the maximum allowed by right, at **96 Lenox Street**, Ward 2, West Newton, on land known as SBL 32, 49, 7, containing approx. 19,071 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15 Table A, and 30-15(u)(2), 30-21(b), of the City of Newton Rev Zoning Ord, 2012.

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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.



**96 Lenox Street**

### EXECUTIVE SUMMARY

The property at 96 Lenox Street consists of a 19,071 square foot lot in a Single-Residence 1 zoning district, improved with a single-family 2½-story residence constructed in approximately 1875, and an approximately 363 square foot detached two-car garage. The petitioner is proposing to demolish the existing garage, and replace it with a 698 square foot, one-story garage. The petitioner is proposing to locate the new garage closer to the southeastern corner of the site, which will require the petitioner to extend the existing gravel driveway by approximately 25 feet. The petitioner is seeking a special permit to increase the Floor Area Ratio (FAR) from .36 to .37, where .29 is the maximum allowed by right.

The proposed garage, which meets the dimensional controls for an accessory structure, will be located in the southeast corner (rear) of the site, proximate to the location of the existing garage. The proposed garage will be screened by garages on neighboring properties, existing fencing, and vegetation. For these reasons, the Planning Department believes that the proposed garage is not in derogation of the size, scale and design of other structures in the neighborhood, and will not be substantially more detrimental to the neighborhood than the existing structure.

#### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed structure with regard to FAR is consistent with and not in derogation of size, scale and design of other structures in the neighborhood. (§30-15(u)(2))
- The site is an appropriate location for the proposed garage, as the open space percentage and lot coverage percentage exceed the minimum required by the Newton Zoning Ordinance. (§30-24(d)(1))
- The extension of the structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood. (§30-21(b))

#### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

##### A. Neighborhood and Zoning

The site is located on Lenox Street at the intersection with Valentine Street. The land uses in the surrounding neighborhood are single-family homes (ATTACHMENT B), and the zoning district is Single Residence 1 (ATTACHMENT C).

B. Site

The site consists of approximately 19,071 square feet of land, and is improved with a single-family 2½-story residence constructed in approximately 1875. There is a driveway that wraps around the rear of the house and accesses an existing two-car, one-story garage. There are vegetated areas and open space along the sides and in the rear of the property.

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 demolish the existing garage in the rear of the site, and to construct a new 698 square foot, one-story, two-car garage. The proposed garage will include storage space, and will have a two foot roof overhang along all sides. The front of the proposed garage will include one dormer with two windows, and the inside will consist of exposed rafters. The purpose of the dormer is for additional light into the garage and for aesthetics, but is not meant for an accessible half-story. Due to the relocation and reorientation of the proposed garage, the petitioner is proposing to expand the driveway area by approximately 500 square feet, and to use a gravel material for the additional driveway area.

The proposed garage meets the requirements for an accessory structure in terms of size and height, and appears to use contextually appropriate materials. The proposed garage will be setback from the dwellings on abutting properties and will be screened along the rear and side property lines. The use of gravel for the additional driveway area will lessen its visual impact and reduce potential runoff. For these reasons, the Planning Department believes that the proposed addition is consistent with and not in derogation of the size, scale, and design of other structures in the surrounding neighborhood and will not be substantially more detrimental to the neighborhood than the existing garage.

C. Landscape Screening

The site is screened along the side and rear property lines by fencing and vegetation, and the specific location of the garage is also screened from principal residences by accessory structures on neighboring properties. The Planning Department does not believe that additional screening is necessary.

## IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum, (ATTACHMENT A), provides an analysis of the proposal with regard to zoning. The petitioner is requesting a special permit to exceed the maximum allowed floor area ratio and to extend a nonconforming structure.

B. Engineering Review

As the petitioner is not increasing the impervious surfaces on the lot by more than 400 square feet or 4%, no engineering review is required.

C. Historic Review

The Newton Historical Commission (NHC) found the existing garage not historic, and therefore not preferably preserved.

## V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking the following reliefs:

- Section 30-15 Table A, 30-15(u), to exceed the allowed FAR.
- Section 30-21(b), to extend a nonconforming structure

## VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** Zoning Review Memorandum  
**Attachment B:** Land Use Map  
**Attachment C:** Zoning Map  
**Attachment D:** Newton Historical Commission Decision



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**City of Newton, Massachusetts**  
Department of Planning and Development  
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ATTACHMENT A

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Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: April 9, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Pam Woodworth, Architect  
Michael Gangemi, Owner  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to increase already nonconforming FAR**

Applicant: Michael Gangemi	
Site: 96 Lenox Street	SBL: 32049 0007
Zoning: SR-1	Lot Area: 19,071 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 96 Lenox Street consists of a 19,071 square foot lot improved with a single-family residence constructed in 1875 and a detached garage built in 1906. The structure consists of two and a half stories and a basement. The applicant proposes to replace the detached garage with a new larger detached garage in the rear of the lot. The proposed structure will meet all setback requirements for an accessory structure.

The proposed additions will increase the nonconforming floor area ratio from .34 to .37, which exceeds the .29 allowed by right.

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

- Zoning Review Application, prepared by Pam Woodworth, architect, submitted 3/18/2014
- FAR Worksheet, prepared by Pam Woodworth, architect, submitted 3/14/2014
- Plan of Land, signed and stamped by Pamela Woodworth, architect, dated 2/18/2014, revised 3/19/2014
- Architectural Plans, signed and stamped by Pamela Woodworth, architect, dated 3/19/2014
- Site Plan, signed and stamped by John S. Keefe, dated 3/5/2014

**ADMINISTRATIVE DETERMINATIONS:**

1. The proposed enlarged detached garage increase the structure's nonconforming FAR, from .34, to .37, which exceeds the .29 maximum permitted by the Ordinance per Section 30-15, Table A. To construct the detached structure as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15(u)(2) and Section 30-21(b).

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	19,071 square feet	No change
Frontage	100 feet	120 feet	No change
Setbacks for detached accessory structure			
• Front	25 feet	40.5 feet	No change
• Side	5 feet	32.2 feet	5.5
• Rear	5 feet	+/-170 feet	+/- 150 feet
FAR	.29	<b>.34</b>	<b>.37</b>
Max Lot Coverage	20%	15.2%	15.4%
Min. Open Space	65%	76.3%	76.6%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2) 30-21(b)	Exceed nonconforming Floor Area Ratio (FAR)	S.P. per §30-24

# 129-13 Land Use Map 96 Lenox Street

City of Newton,  
Massachusetts

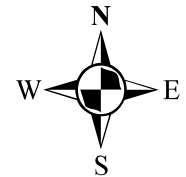
**Legend**

- Building Outlines
- Streets - Pavement Edge

**Land Use**

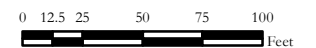
- Single Family Residential

ATTACHMENT B

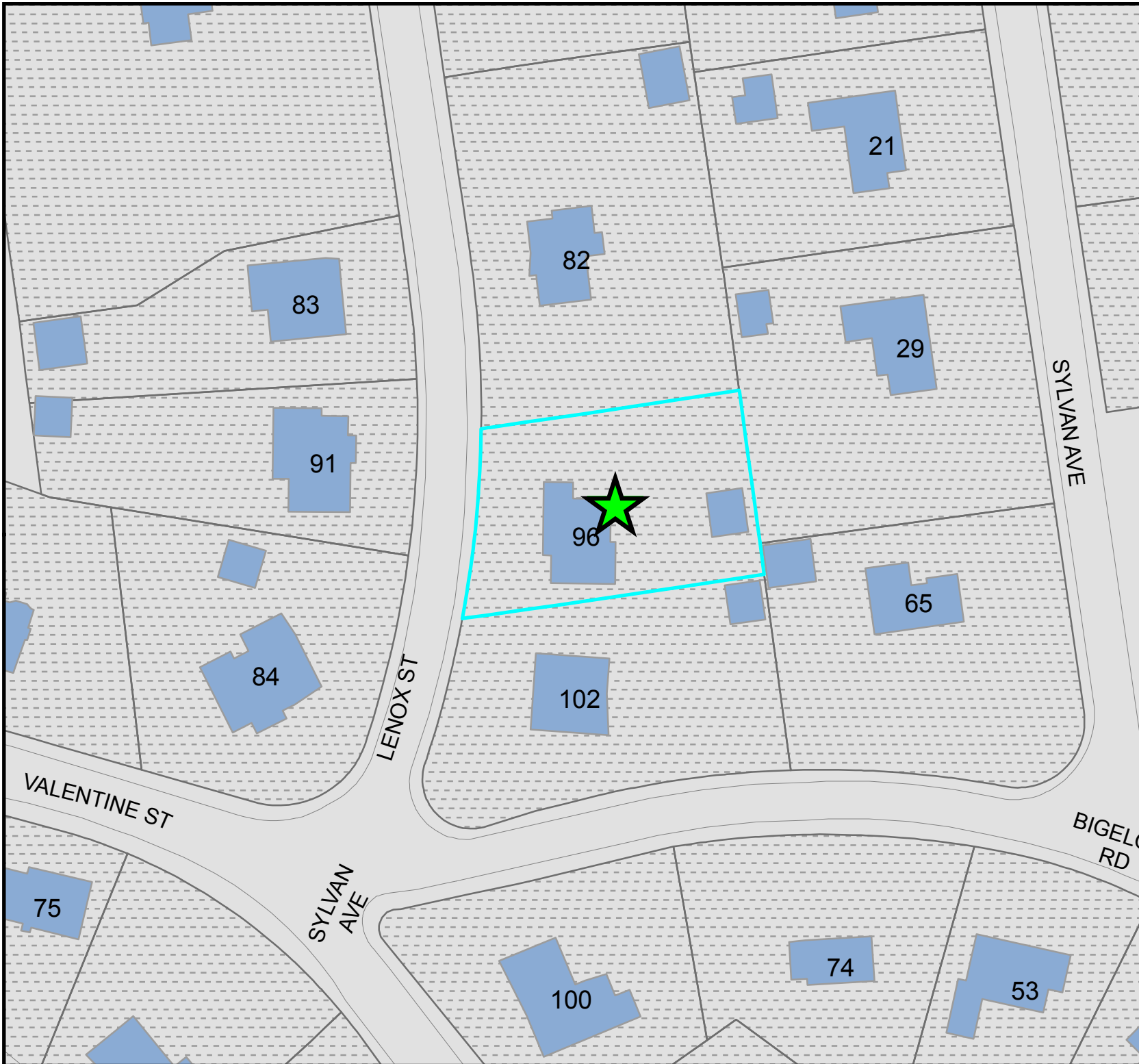


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: April 18, 2014



# 129-13 Zoning Map 96 Lenox Street

*City of Newton,  
Massachusetts*

**Legend**

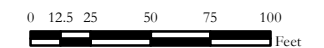
- Streets - Pavement Edge
- Building Outlines
- Zoning**
- Single Residence 1

ATTACHMENT C

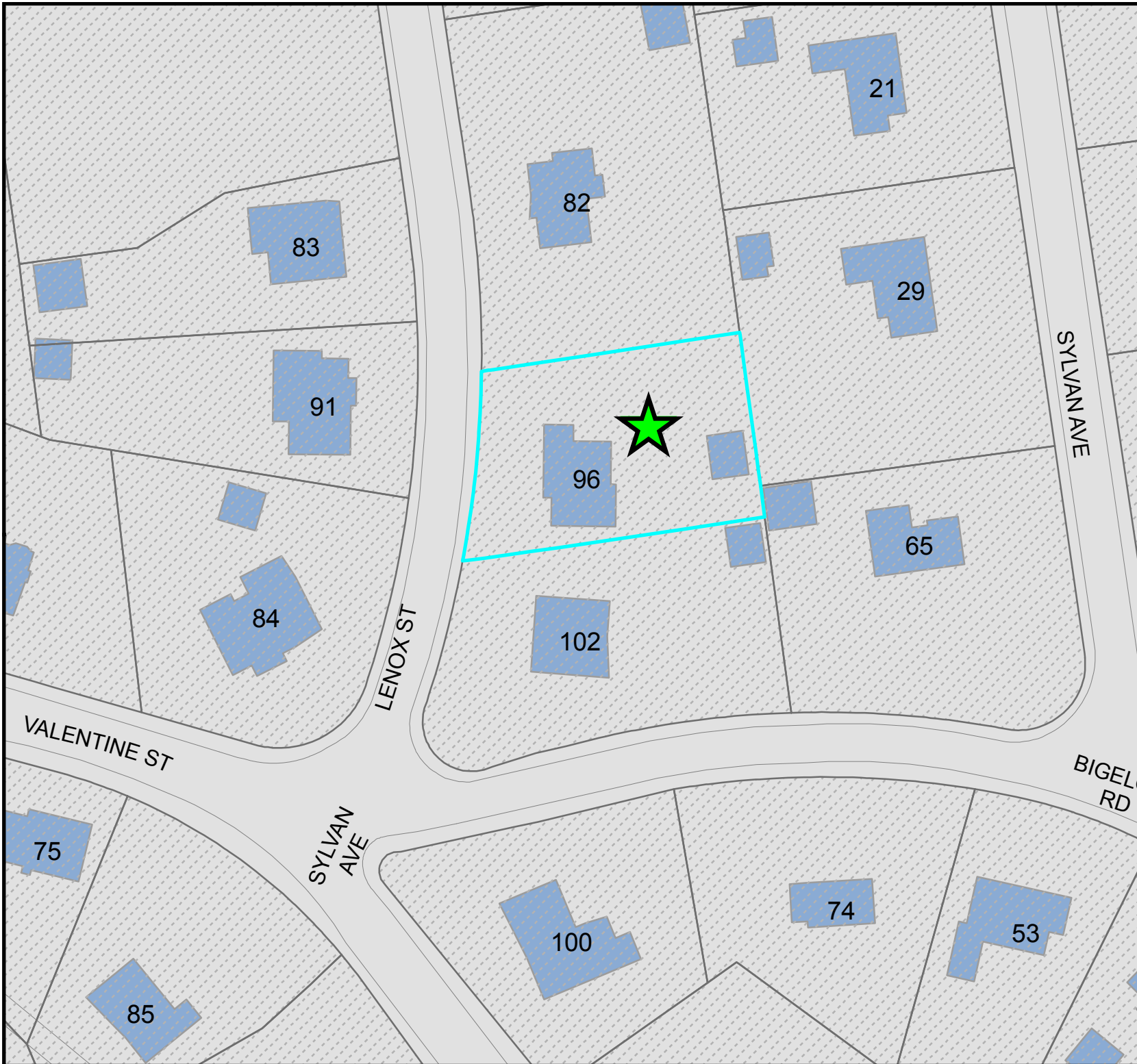


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield



Map Date: April 18, 2014





Project#: 14030031

Date Received: 3-14-14

**City of Newton, Massachusetts**  
**Department of Planning and Development**  
*Demolition Review Ordinance - Application for Property Review*

Property Owner Michael and Martha Gangemi	Address of Property to be reviewed: <b>96 Lenox Street</b>	Phone: <b>857-891-4100</b>
Primary Contact: Michael Gangemi	Address: <b>96 Lenox Street</b>	Phone: <b>857-891-4100</b>
Email Address	<b>michael.gangemi@gmail.com</b>	

I. Type of Structure to be Demolished: (check)

House  Garage  Shed  Non-Residential Building  Other

If Other please describe: \_\_\_\_\_

II. Year Property Built 1920 estimate Section: SR1 Block: 7A Lot: 96  
 (Can be found in Assessors Database on City's website - www.ci.newton.ma.us)

III. Description of Demolition Requested: early twentieth century detached two car garage.

IV. Required Documentation to be Included With Application: (check items included)

- Photographs of Front, Back and Sides of affected Structure and one of front of addressed building on property for location purposes.
  - Assessor's Map Showing Property Location
- Incomplete applications may result in a delay in review time.

V. Suggested Additional Documentation: (check items included)

- Building Plans 11 X 17 or smaller (Elevations only), recommended
- Historical Information  Site Plan  Product/Material Information
- Photos of neighborhood (recommended for full demos)  Sketches

Home Owner Signature:  
 Michael Gangemi

**PLEASE NOTE:** Once the completed application is received, the Preservation Planner has 15 days to determine whether the structure is considered to be historically significant. If you should have questions, please contact the Planning & Development Department at (617) 796-1120.

*This application is only for Demolition Review from the Newton Historical Commission. Applicants should also consult the Planning Department to consider other relevant planning and zoning ordinances. Following this review, an application for Plan Examination and/or Building Permit must be completed and submitted to Inspectional Services.*



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Candace Havens  
Director

Newton Historical Commission Demolition Review Decision

Date: 3/21/2014 Zoning & Dev. Review Project# 14030031

Address of structure: 96 Lenox Street

Type of building : Garage

If partial demolition, feature to be demolished is \_\_\_\_\_

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:

 NHC

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.