



Setti D. Warren  
Mayor

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

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

James Freas  
Acting Director


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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: January 13, 2015  
Land Use Action Date: January 27, 2015  
Board of Aldermen Action Date: March 16, 2015  
90-Day Expiration Date: April 6, 2015

DATE: January 9, 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 #477-14, JANNA & RONALD CURTIS, for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct an addition containing approximately 1,142 sf at the rear of an existing single-family dwelling (571 sf of basement space to be used as a garage and 571 sf on the first floor for an expanded kitchen and family room), which will increase the Floor Area Ratio from .35 to .48, where .40 is the maximum allowed by right, at 15 LARCHMONT AVENUE, Ward 5, Waban, on land known as SBL 54, 7, 2, containing approximately 8,552 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2), 30-15 Table A, and Table 1 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.



**15 Larchmont Avenue**

### **EXECUTIVE SUMMARY**

The property at 15 Larchmont Avenue consists of an 8,400 square foot lot, and is improved with a nonconforming three-story single-family residence constructed in 1931. The structure is considered a nonconforming three-story structure because the topography is sloped such that the basement level is considered the first floor. The petitioner is proposing to construct a two-story addition in the rear of the existing residence where the deck is currently located, and to construct a new deck adjacent to the addition. In order to construct the addition as proposed, the petitioner is seeking a special permit to increase the Floor Area Ratio (FAR) from .35 to .48, where .40 is the maximum allowed FAR by right, and to extend a nonconforming structure (**ATTACHMENT A**).

The proposed addition is approximately 1,142 square feet, which exceeds the allowed FAR by approximately 672 square feet. The proposed addition will expand the footprint of the existing building by approximately 571 square feet (not including the proposed deck). In August 2014, the Board approved a similar request to exceed the allowable FAR for a modest addition to a nonconforming single-family dwelling on the abutting property at 21 Larchmont Avenue. In addition, the proposed addition will be mostly hidden from public view and is designed to be subordinate to the existing dwelling.

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 addition will be partially visible from the abutting properties, as there is seasonal screening along the property lines. To mitigate the impact on abutters, the Planning Department would typically suggest screening along the western property line, where the addition will have the greatest impact. The petitioner has indicated that the abutting property owners do not prefer additional screening at this time. For these reasons, it appears that 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 .48, where the maximum allowable FAR is .40, 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 extension of the structure, consisting of approximately 1,142 square feet, is not substantially more detrimental than the existing nonconforming structure is to the neighborhood (§30-21(b))
- The site is an appropriate location for the proposed addition. (§30-24(d)(1))

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The site is located on Larchmont Avenue near the intersection of Larchmont Avenue and Chestnut Street. The subject property and surrounding neighborhood consist of single-family residences (**ATTACHMENT B**). The immediate neighborhood is zoned Single Residence 2, but is proximate to other parcels zoned Public Use (**ATTACHMENT C**).

### B. Site

The site consists of approximately 8,400 square feet of land, and is improved with a nonconforming three-story single-family residence that was constructed in 1931. The topography of the site slopes down significantly from the front to the rear of the site, with an elevation change of approximately eight feet (**ATTACHMENT D**). Due to the grade change, the structure appears to be 2½-stories at the front and three-stories from the rear, and the slope causes the basement to count as a full story. The property has a bituminous driveway along the northwestern property line, which wraps around the dwelling to provide access to the garage in the basement of the structure. The remaining portions of the property consist of lawn area. The site is partially screened by a hedge along the northeastern property line and by a sight-obscuring fence along the northwestern property line.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The use will remain as a single-family residence.

### B. Building and Site Design

The petitioner is proposing to construct an approximately 1,142 square foot, two-story, addition to the rear of the existing structure, comprised of a garage on the ground level and an expanded kitchen and family room on the floor above (which functions as the first floor from the street). The addition will extend out from the rear of the existing structure by approximately 20 feet, and will be clad with exterior finishes to match the existing structure. The peak of the addition will be approximately 12 feet below the peak elevation of the existing structure, to subordinate the addition to the current home and reduce its visibility from the street. In addition, the petitioner is proposing to erect a new approximately 270 square foot deck attached to the rear of the proposed addition. As a result, the majority of the existing bituminous driveway behind the home will be removed and covered by the proposed addition and deck.

As proposed, the size of the addition will increase the residence from approximately 2,992 square feet to 4,134 square feet (including the garage). The resulting building lot coverage of approximately 18% will be far below the maximum 30% allowed, and the proposed open space of 62% will exceed the minimum requirement of 50%. To further understand how the size and scale of the expanded residence compares to other structures in the surrounding neighborhood, City staff completed an analysis using data from the Assessors Database (**ATTACHMENT E**). As the data indicates, the proposed addition will create a structure that is slightly larger than the average and median in the neighborhood in terms of square footage and FAR. The difference in FAR appears to partly be due to the size of the lot, which is smaller than the average for the surrounding properties.

The Planning Department is not particularly concerned with the proposed addition, as the resulting structure will only exceed the allowable FAR by approximately 672 square feet. Further, views of the proposed addition will be largely obscured from the street by the existing topography of the site and the current structure, which raises approximately one story above the gable peak of the addition. 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 structure is consistent with the size, scale and design of other structures in the neighborhood.

C. Landscape Screening

The site is partially screened along the rear and side property lines, and therefore will be partially visible from the rear yards of the abutting properties, and virtually obscured from view from the street. To mitigate the visual impact on abutters, the Planning Department would typically suggest additional screening along the property lines, where the addition will have the greatest impact. The petitioner has indicated that the abutting property owners do not prefer additional screening at this time. Therefore, landscape screening along this property line may not be necessary.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provided an analysis of the proposal with regard to zoning (**Attachment A**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following reliefs:

- §30-15 Table A, §30-15(u), to exceed the allowed FAR.
- §30-21(b), to extend a nonconforming structure in regard to number of stories.

B. Engineering Review

The Engineering Division of Public Works has reviewed the proposal with regard to engineering issues. The Associate City Engineer has indicated that the amount of impervious surface being added to the site is less than 400 square feet, and therefore no drainage improvements are warranted.

C. Historic Review

The existing structure is more than 50 years old and the proposed addition will cover (i.e. demolish) more than 50% of a single façade, thus requiring the petitioner to file a demolition review application. The City's Senior Planner that staffs the Newton Historical Commission reviewed and approved the project, with the condition that final plans be reviewed during the building permit process (**ATTACHMENT F**).

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- ATTACHMENT A:** Zoning Review Memorandum, dated November 18, 2014  
**ATTACHMENT B:** Land Use Map  
**ATTACHMENT C:** Zoning Map  
**ATTACHMENT D:** Topography Map  
**ATTACHMENT E:** Parcel Comparison  
**ATTACHMENT F:** Historic Record of Action, dated September 3, 2014



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# Attachment A

## City of Newton, Massachusetts

Department of Planning and Development  
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James Freas  
Acting Director

### ZONING REVIEW MEMORANDUM

Date: November 18, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Janna and Ronald Curtis, Applicants  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to exceed maximum FAR and to extend a nonconforming structure**

Applicant: Janna and Ronald Curtis	
Site: 15 Larchmont Avenue	SBL: 54007 0002
Zoning: SR-2	Lot Area: 8,551 square feet
Current use: Single-family dwelling	Proposed use: No change

#### BACKGROUND:

The property at 15 Larchmont Avenue consists of an 8,400 square foot lot improved with a single-family residence constructed in 1931. The structure consists of two and a half stories and a basement. The topography is sloped so to create a walk-out basement and garage in the rear. As such, the basement is considered the first floor, creating three stories. The applicant proposes a 1,142 square foot addition at the rear of the structure. The addition will consist of 571 square feet of additional basement space to be used as a garage, and 571 square feet on the first floor for an expanded kitchen and family room. The maximum number of stories in an SR2 district is 2.5. The existing structure is three stories and therefore nonconforming. A special permit is required to expand a structure which is nonconforming with respect to the number of stories. The proposed addition creates an FAR of .48 from .35, which exceeds the maximum allowable FAR of .40. A special permit is required to exceed the maximum FAR.

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

- Zoning Review Application, prepared by Janna and Ronald Curtis, submitted 10/7/2014
- FAR Worksheet, prepared by Diane Miller, architect, dated 9/30/2014
- Average Grade Plane Calculation, signed and stamped by Douglas Johnson, surveyor, dated 10/1/2014

- Site Plan, signed and stamped by Douglas Johnson, surveyor, dated 10/4/2014
- Construction Documents, signed and stamped by Dianne Miller, architect, dated 8/21/2014
  - Existing basement plan
  - Existing first floor
  - Existing second floor
  - Existing roof plan
  - Existing elevations
  - New basement
  - New first floor plan
  - New second floor plan
  - New elevations

**ADMINISTRATIVE DETERMINATIONS:**

1. The maximum number of stories allowed in an SR2 district is 2.5 according to 30-15 Table 1. Due to the significantly downward sloping topography, the existing structure has a walk-out basement and rear garage, making it a three-story structure. The applicant is proposing an addition at the rear of the property, adding to the existing basement and first floor, which will further increase the nonconforming nature of the structure. Per section 30-21(b), a special permit is required to increase the nonconforming nature of the structure.
  
2. The applicant’s existing FAR is .35. The proposed addition will create an FAR of .48, which exceeds the .40 allowed by right. A special permit is required to exceed the maximum FAR per sections 30-15 Table A, and 30-15(u)(2).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	<b>8,551 square feet</b>	No change
Frontage	80 feet	85 feet	No change
Setbacks			
• Front	25 feet	31.3 feet	No change
• Side	7.5 feet	9.9 feet	No change
• Rear	15 feet	+/- 50 feet	33.1 feet
FAR	.40	.35	<b>.48</b>
Max Lot Coverage	30%	11.5%	18.1%
Min. Open Space	50%	68.7%	62.1%

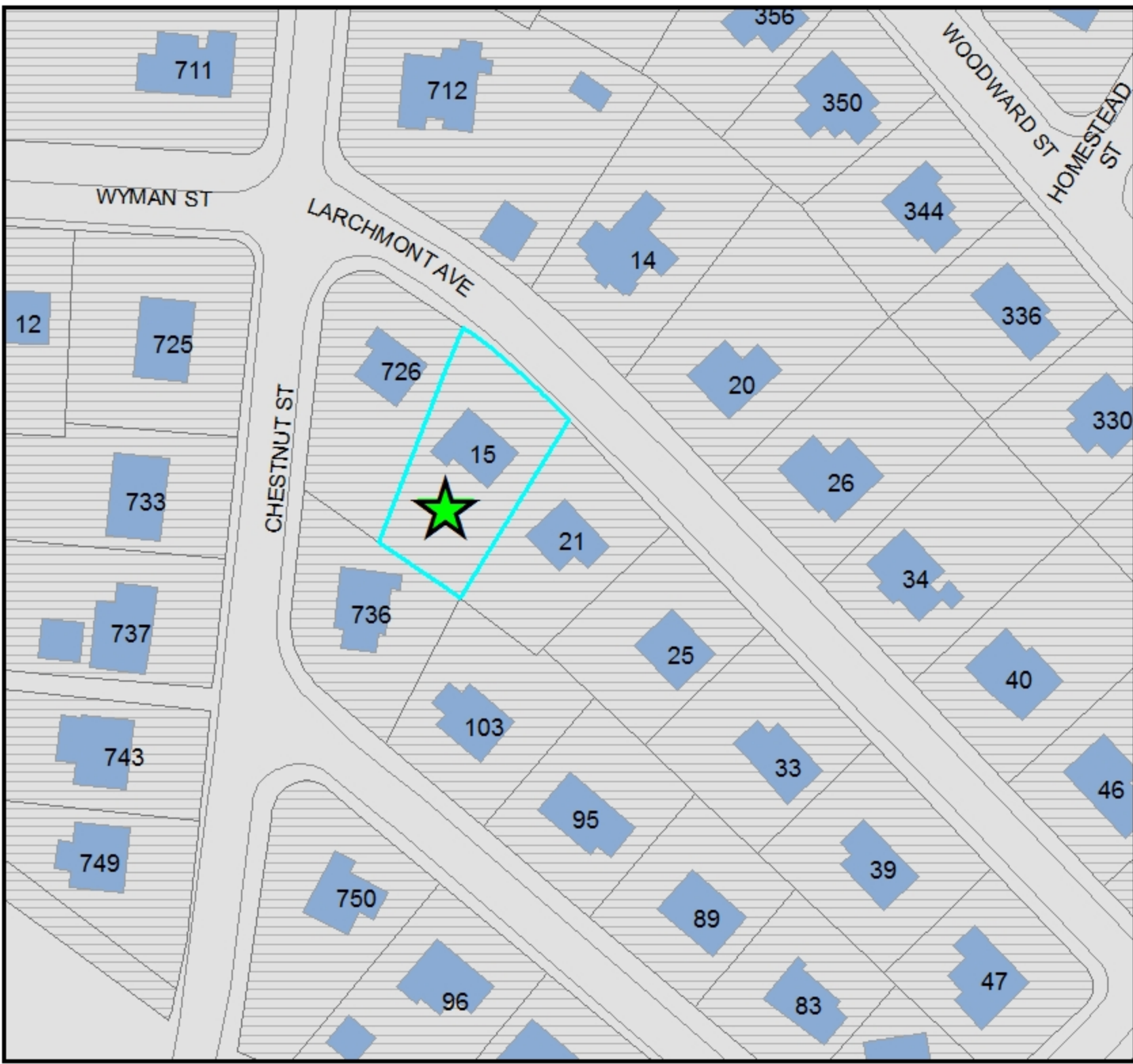
1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2)	Exceed Floor Area Ratio (FAR)	S.P. per §30-24
§30-15 Table 1 30-21(b)	Extend a nonconforming 3-story single-family dwelling	S.P. per §30-24

# Land Use Map 15 Larchmont Avenue

City of Newton,  
Massachusetts

ATTACHMENT B



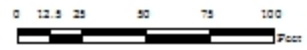
**Legend**

- Streets - Pavement Edge
- Building Outlines
- Land Use**
- Single Family Residential



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 - Seth D. Warren  
GIS Administrator - Douglas Greenfield

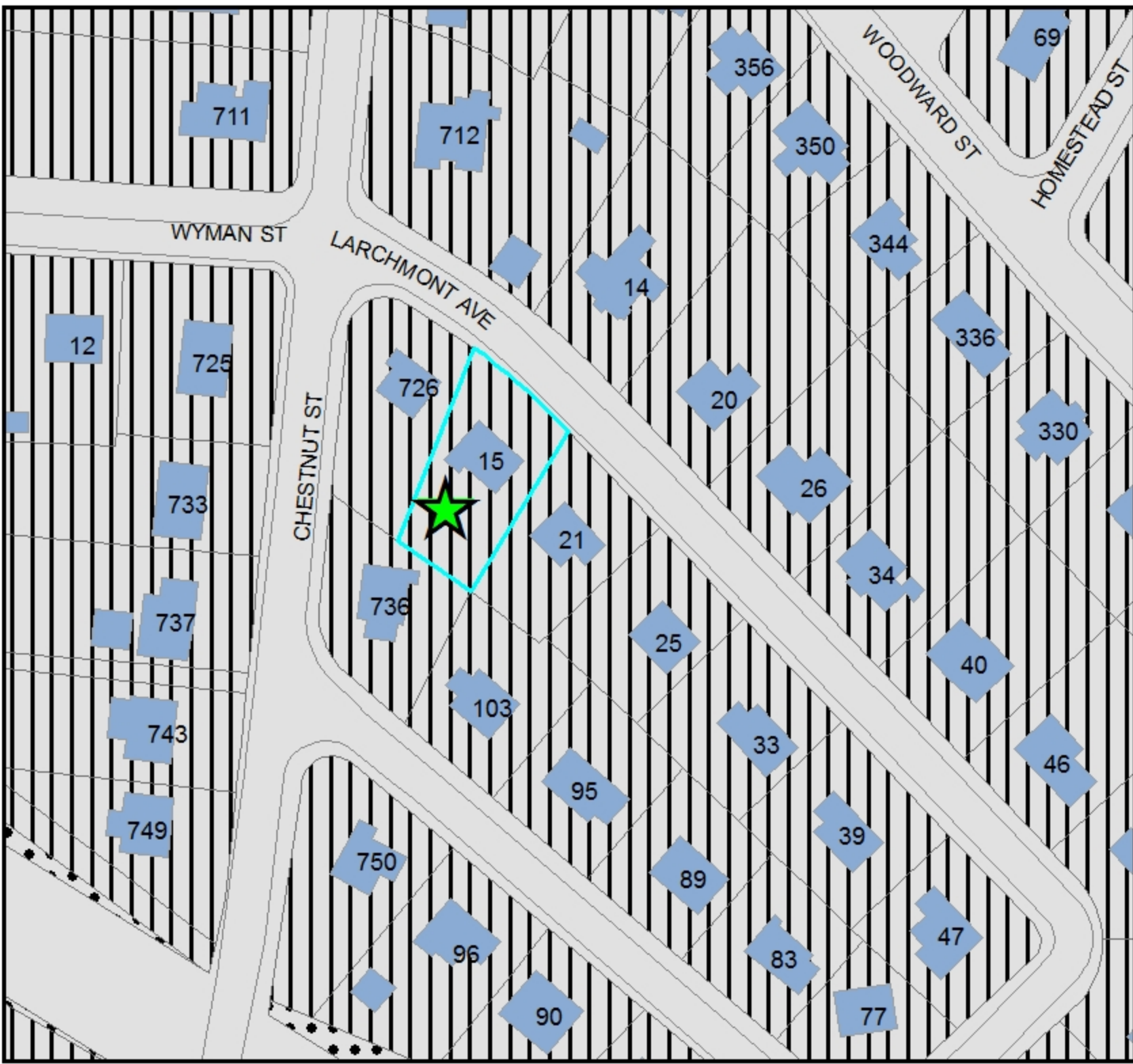




# Zoning Map 15 Larchmont Avenue

City of Newton,  
Massachusetts

ATTACHMENT C



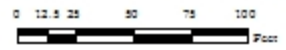
**Legend**

- Streets - Pavement Edge
- Single Residence 2
- Public Use
- Building Outlines



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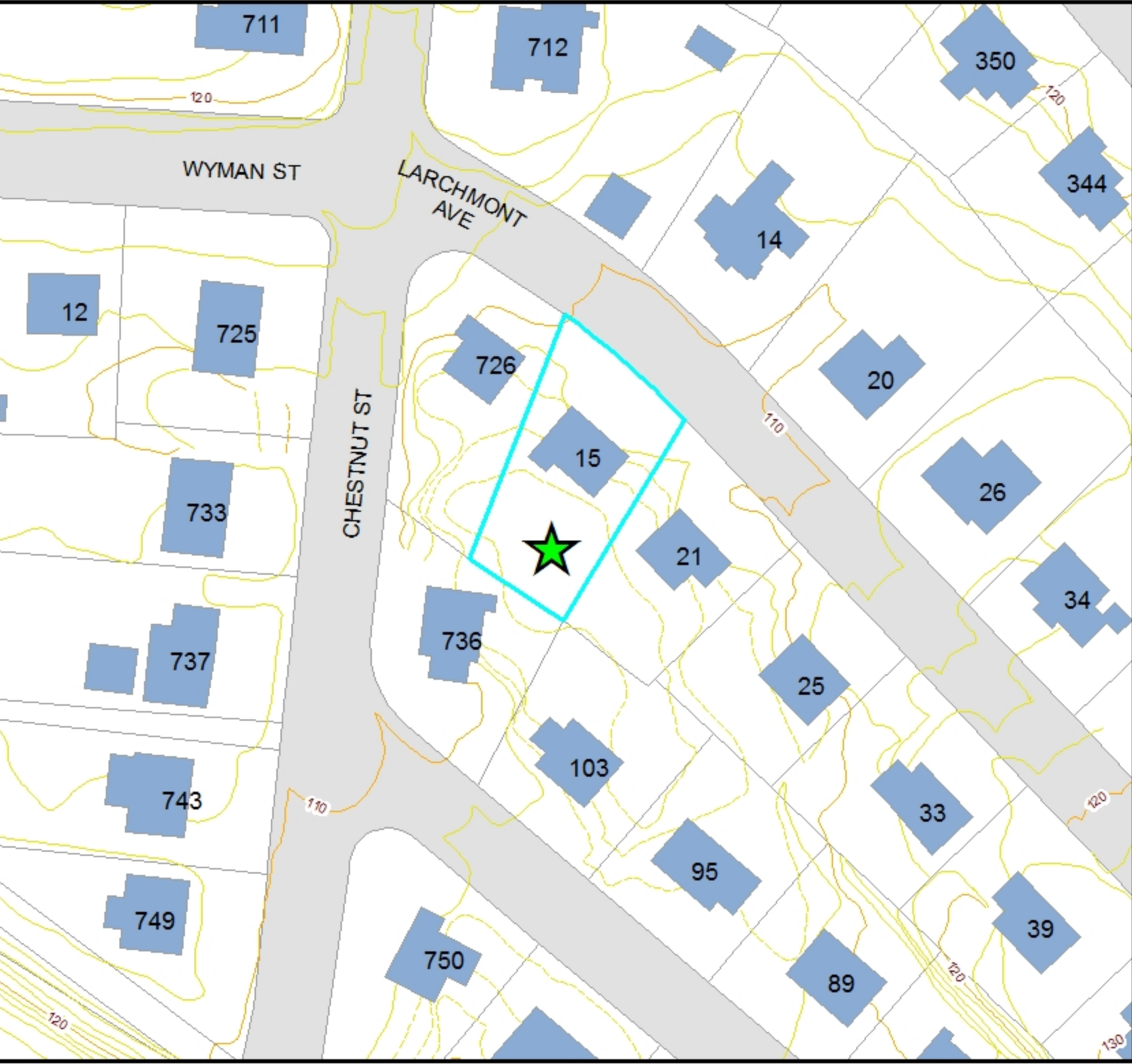
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Seth D. Warren  
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# Topography Map 15 Larchmont Avenue

*City of Newton,  
Massachusetts*

**ATTACHMENT D**



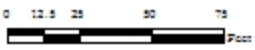
**Legend**

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



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CITY OF NEWTON, MASSACHUSETTS  
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GIS Administrator - Douglas Greenfield



## Attachment E

### Parcel Comparison of Lots Surrounding 15 Larchmont Avenue

Property	Total	Lot Size	FAR
14 Larchmont Avenue	5,463	11,860	0.46
20 Larchmont Avenue	3,651	12,560	0.29
26 Larchmont Avenue	3,431	11,010	0.31
34 Larchmont Avenue	3,025	11,150	0.27
40 Larchmont Avenue	3,664	10,710	0.34
47 Larchmont Avenue	3,053	8,300	0.37
39 Larchmont Avenue	3,040	8,270	0.37
33 Larchmont Avenue	3,398	8,410	0.40
25 Larchmont Avenue	2,347	7,780	0.30
21 Larchmont Avenue***	3,612	7,593	0.48
15 Larchmont Avenue*	3,499	8,551	0.41
726 Chestnut Street	2,962	8,496	0.35
736 Chestnut Street	3,480	7,981	0.44
89 Larchmont Avenue	3,348	7,350	0.46
95 Larchmont Avenue	3,701	7,670	0.48
103 Larchmont Avenue	3,294	8,075	0.41
<b>Average</b>	<b>3,436</b>	<b>9,110</b>	<b>0.38</b>
<b>Median</b>	<b>3,415</b>	<b>8,355</b>	<b>0.39</b>
<b>15 Larchmont Avenue**</b>	<b>4,134</b>	<b>8,551</b>	<b>0.48</b>

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 15 Larchmont Avenue

\*\* Proposed conditions, with addition, for 15 Larchmont Avenue

\*\*\* Conditions approved under Board Order #226-14 for 21 Larchmont Avenue

# Attachment F

Project#: 14080123

Date Received: 8.26.14

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

Property Owner <u>Janna &amp; Ronald Curtis</u>	Address of Property to be reviewed: <u>15 Larchmont Ave</u>	Phone: <u>617-755-7844</u>
Primary Contact: <u>Janna Curtis</u>	Address: <u>same</u>	Phone: <u>same</u>
Email Address	<u>Janna.Curtis@genzyme.com</u>	

**I. Type of Structure to be Demolished: (Circle)**

House     
  Garage     
  Shed     
  Non-Residential Building     
  Other

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

II. Year Property Built 1931      Section: 54 Block: 7 Lot: 2  
 (Can be found in Assessors Database on City's website -- www.ci.newton.ma.us)

III. Description of Demolition Requested: Demolition of the rear wall of the house on the basement and first floor levels to accommodate a rear expansion. No impact to front elevation.

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: Janna Curtis 8/21/2014

**PLEASE NOTE:** Once the completed application is received, the Historic 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. Following this review, an application for Plan Examination and Building Permit must be completed and submitted to Inspectional Services for a building permit.*



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Candace Havens  
Director

Newton Historical Commission Demolition Review Decision

Date: 9/3/2014 Zoning & Dev. Review Project# 14080123

Address of structure: 15 Larchmont Avenue

Type of building : House

If partial demolition, feature to be demolished is portion rear facade

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).

Final review of plans required.  
\_\_\_\_\_  
\_\_\_\_\_

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:

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.