



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

PUBLIC HEARING MEMORANDUM

Public Hearing Date: August 11, 2015
Land Use Action Date: October 13, 2015
Board of Aldermen Action Date: October 19, 2015
90-Day Expiration Date: November 3, 2015

DATE: August 7, 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 #178-15, FALLON CUSTOM HOMES for AMANDA MAHONEY**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-car attached garage over the driveway onto the side of the existing single-family dwelling, which will result in an increase in the Floor Area Ratio from .44 to .46, where .33 is the maximum allowed by right, at 12 LAKE TERRACE, Ward 6, Newton Centre, on land known as SBL 62, 1, 8, containing approximately 14,628 sf of land in a district zoned SINGLE RESIDENCE 2. Ref.: Sec. 30-24, 30-23, 3-21(b), 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.



12 Lake Terrace

EXECUTIVE SUMMARY

The property located at 12 Lake Terrace consists of a 14,628 square foot lot with water frontage on Crystal Lake, and is improved with a nonconforming 3½-story single-family dwelling with an attached garage constructed in 1893. The dwelling is considered nonconforming since the topography of the site slopes down significantly towards the lake making the existing dwelling a 3½-story building. The dwelling is further nonconforming as the existing floor area ratio (FAR) of 0.44 exceeds the maximum allowed by right FAR of 0.33. The petitioner is proposing to raze a small one-story entry on the western side of the home, and construct a second one-story one-car attached garage. In order to construct the attached garage as proposed, the petitioner is seeking a special permit to increase the already nonconforming FAR from 0.44 to 0.46 (or approximately 300 square feet).

The Planning Department is not concerned with this petition, as the proposed addition does not substantially increase the bulk and mass of the home. While the addition will be visible from Lake Terrace, the Planning Department believes its visual impact will be minimal on the immediate neighborhood as the proposed garage is set back from the front of the home, there is existing vegetation to partially screen the addition, and it is not visible from Lake Avenue. The Planning Department also observed many other properties in the immediate area that have attached or detached garages similarly designed, sized, and sited. For the above 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, and that the addition is not substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The expanded home, which already exceeds the maximum allowable FAR of 0.33 by approximately 1,571 square feet and is proposed to be increased by approximately 300 square feet, 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(u) Table A)
- The proposed addition, which will increase the current dwelling by approximately 300 square feet, is not substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood. (§30-21(b))
- This site is an appropriate location for the proposed addition. (§30-24(d)(1))
- The proposed addition to the single-family dwelling 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 at the end of Lake Terrace, which is a cul-de-sac off of Lake Avenue, and has water frontage on Crystal Lake. The surrounding neighborhood,

including the subject property, is developed with single-family residences (**ATTACHMENT A**). The subject property and immediate area are zoned Single Residence 2 (**ATTACHMENT B**).

B. Site

The property consists of 14,628 square feet of land and is improved with a nonconforming single-family dwelling with an existing one-car attached garage constructed in 1893. The dwelling is considered nonconforming since it exceeds the maximum allowable FAR of 0.33 by 0.11 and is considered a 3½-story structure. The topography of the site slopes down significantly from the western side of the property to Crystal Lake, with an elevation change of approximately 14 feet (**ATTACHMENT C**). There is vehicular access on the east and west sides of the dwelling via a driveway off of Lake Terrace. The eastern driveway provides access to the existing one-car attached garage. The remaining portions of the site consist of lawn and existing vegetation.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain a single-family residence.

B. Building and Site Design

The petitioner is proposing to raze a small one-story entry on the west side of the home, and construct a one-story one-car attached garage. The proposed garage will cover a portion of the existing driveway to the west of the dwelling. As proposed, the addition will increase the home by approximately 300 square feet, for a total dwelling of approximately 6,698 square feet of gross floor area. The addition will be clad with similar materials found on the existing home. In addition, the proposed garage will be partially visible from Lake Terrace, but is located approximately 28 feet back from the front of the home. If approved, the proposed garage will increase the already nonconforming FAR of 0.44 to 0.46, where a maximum FAR of 0.33 is allowed by right.

The Planning Department is not concerned with the design, scale, and size of the proposed addition, as it does not substantially increase the bulk and mass of the home. While portions of the addition will be visible from Lake Terrace, the visually impact of the addition will be minimal and does not appear to conflict with the character of the immediate area. The Planning Department also believes the proposed location is preferable to additional development towards Crystal Lake. Further, the Planning Department observed that many of the surrounding homes have similarly developed attached or detached garages of comparable size, scale, and design. For the above 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, and the addition is not substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood.

C. Parking and Circulation

The proposed addition will create a second enclosed parking stall on the site. The home currently has a similarly sized one-car attached garage on the west side of the dwelling (towards the lake). The Planning Department further notes that the sum of the existing and proposed garages totals approximately 639 square feet of ground floor area of garages, which does not exceed the maximum 700 square feet allowed by right.

D. Landscape Screening

No landscape plan was required for this petition. The Planning Department does not recommend the installation of additional screening measures, as the addition will be sufficiently screened by planting on- and off-site.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT D**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following relief:

- §30-15(u)(2), §30-15(u) Table A, and §30-21(b), to exceed the maximum allowable FAR.

B. Engineering Review

As the petition is not increasing the level of impervious surfaces on the lot by 4% or more, or 400 square feet, or altering the landscape of the site in a way that results in the alteration of the surface water runoff to abutting properties or erosion of soil, no engineering review is required.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time. The Planning Department recommends approval with conditions.

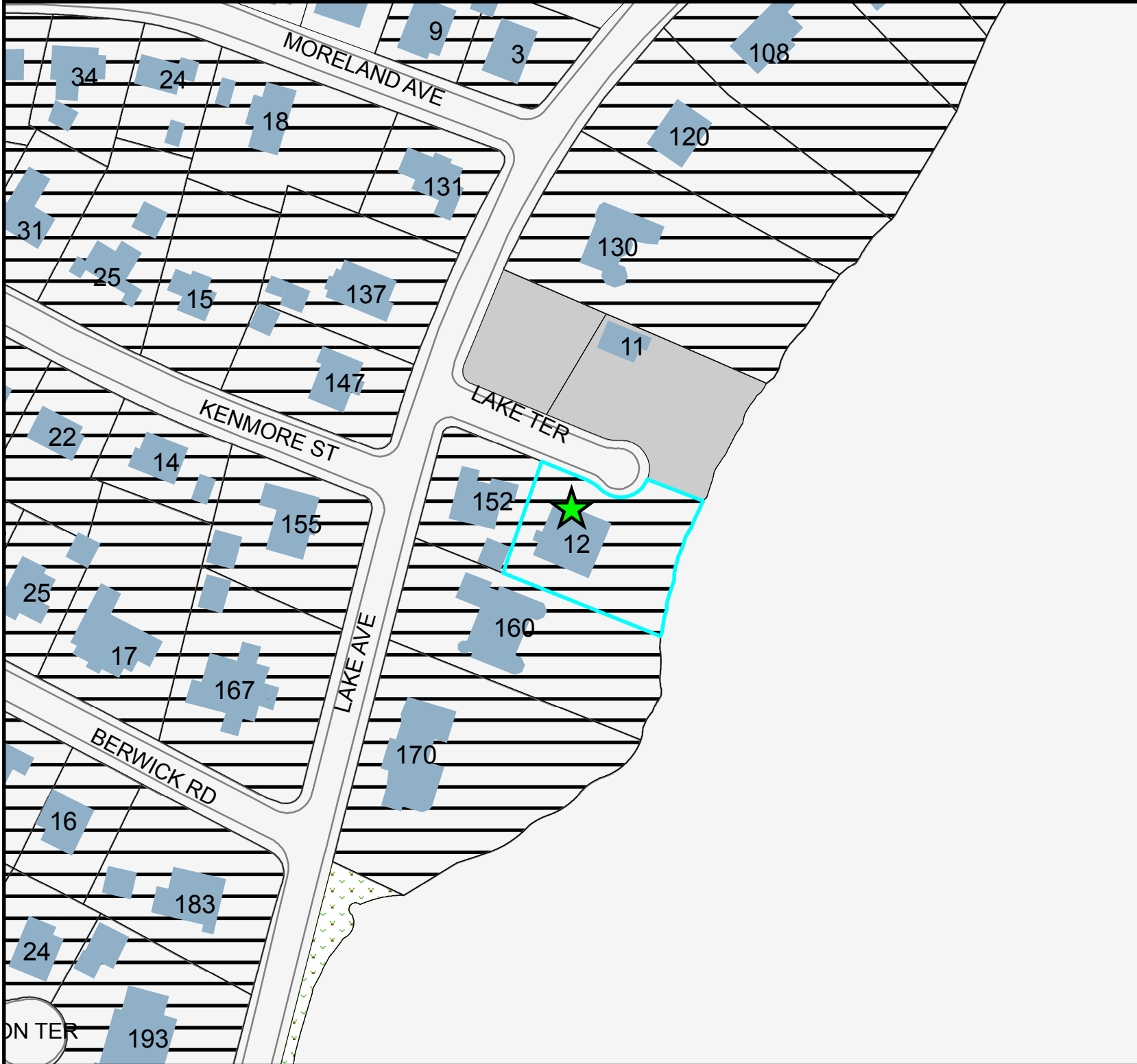
ATTACHMENTS:

- ATTACHMENT A:** Land Use Map
ATTACHMENT B: Zoning Map
ATTACHMENT C: Topography Map
ATTACHMENT D: Zoning Review Memorandum, dated June 15, 2015






Land Use Map 12 Lake Terrace

*City of Newton,
Massachusetts*

ATTACHMENT A



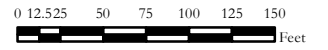
Legend

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



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







Zoning Map 12 Lake Terrace

*City of Newton,
Massachusetts*

ATTACHMENT B

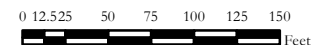
Legend

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

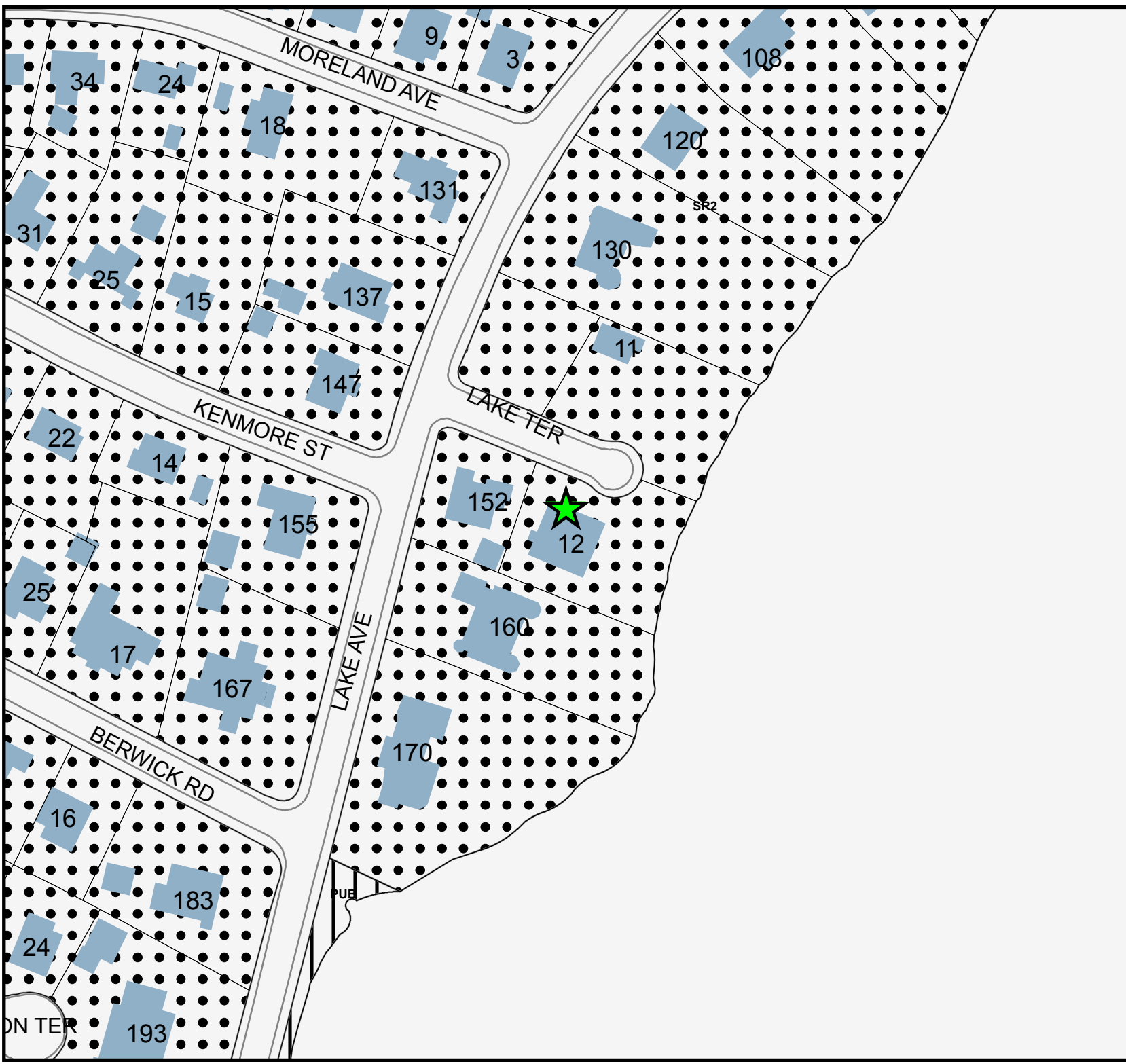


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: July 31, 2015









Topography Map 12 Lake Terrace

*City of Newton,
Massachusetts*

ATTACHMENT C

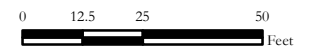
Legend

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

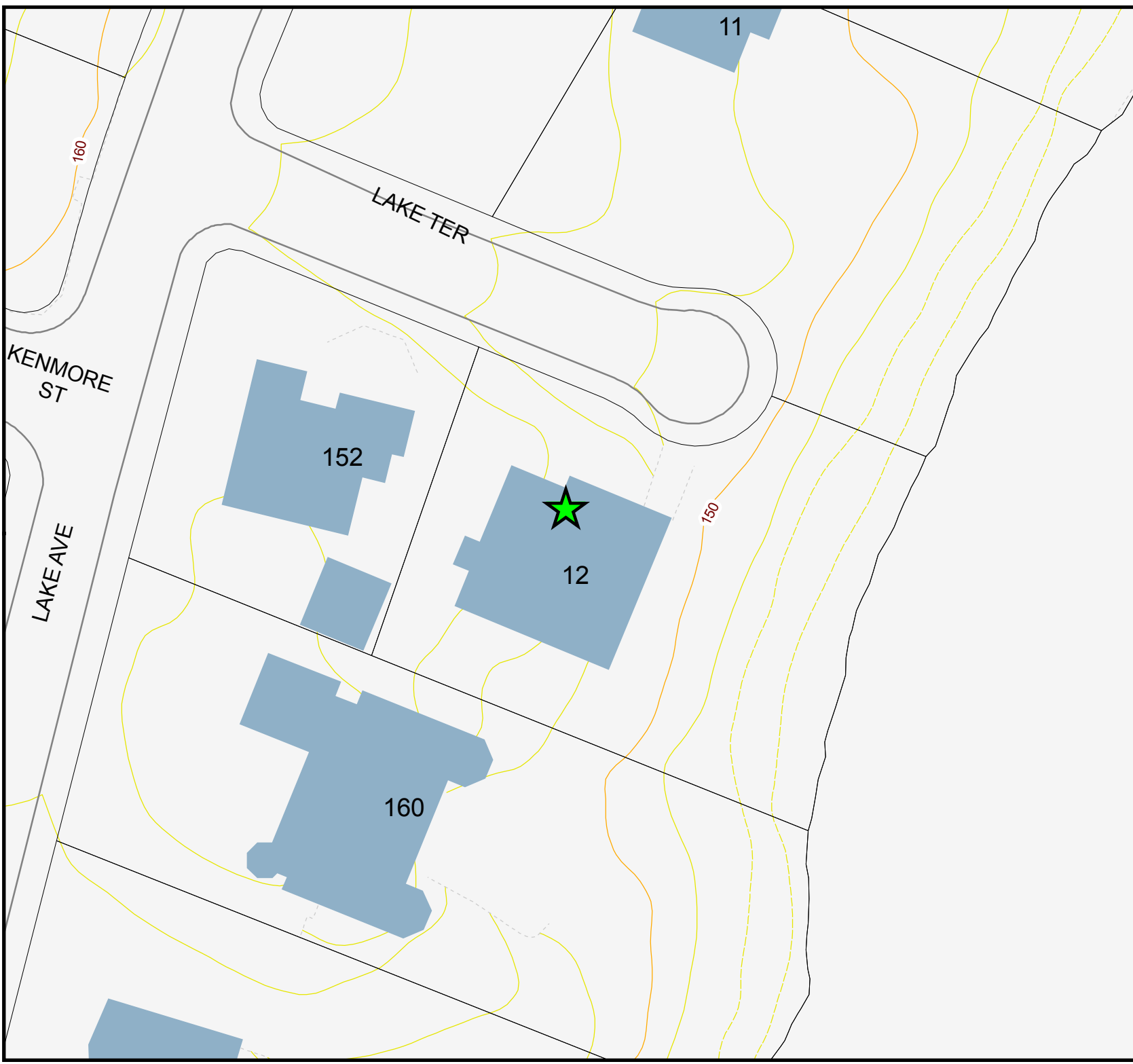


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: July 31, 2015





Setti D. Warren
Mayor

ATTACHMENT D

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

ZONING REVIEW MEMORANDUM

Date: June 15, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Seth Dobie, Fallon Custom Homes, agent
Amanda Mahoney, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend nonconforming FAR

Applicant: Amanda Mahoney	
Site: 12 Lake Terrace	SBL: 62001 0008
Zoning: SR-2	Lot Area: 14,628 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 12 Lake Terrace consists of a 14,628 square foot lot improved with a single-family residence constructed in 1893 on Crystal Lake. The lot slopes significantly down toward the lake, making the existing dwelling three and one-half stories. The applicant proposes to add an attached one-car garage to the side of the house over the existing driveway, which will increase the already nonconforming FAR.

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

- Zoning Review Application, prepared by Seth Dobie, agent, submitted 5/18/2015
- FAR Worksheet
- Topographic Site Plan, prepared by Everett M. Brooks Co, surveyor, dated 1/28/2015
- Plan of Land, prepared by Everett M. Brooks Co, surveyor, dated 9/30/2014
- Garage Addition Plan, prepared by Fallon Custom Homes
- Photos and elevations, prepared by Fallon Custom Homes

ADMINISTRATIVE DETERMINATIONS:

1. The applicants' existing nonconforming FAR is .44, where .33 is the maximum allowed. The proposed addition results in an FAR of .46. A special permit pursuant to Sections 30-15(u)(2) and 30-21(b) is required.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	14,628 square feet	No change
Frontage	80 feet	100 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	20.4 feet 13.9 feet 26.5 feet	No change 8.6 feet 16.1
Building Height	36	34 feet	No change
Max Number of Stories	2.5	3.5	No change
FAR	.33	.44	.46
Max Lot Coverage	30%	17.2%	19.4%
Min. Open Space	50%	72%	No change

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15(u)(2) 30-21(b)	To extend nonconforming FAR	S.P. per §30-24