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#261-21

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: August 10, 2021
Land Use Action Date: October 26, 2021
City Council Action Date: November 1, 2021
90-Day Expiration Date: November 8, 2021

DATE: August 6, 2021

TO: City Council

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

SUBJECT: **Petition #261-21**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a one-and-a-half story detached garage greater further extending the nonconforming FAR to 0.45 where 0.33 is allowed and 0.39 exists and to allow a dormer in excess of 50% of the wall plane below at **44 Putnam Street**, Ward 3, Newton, on land known as Section 32 Block 07 Lot 16, containing approximately 18,193 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2017.

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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



44 Putnam Street

EXECUTIVE SUMMARY

The property at 44 Putnam Street consists of an 18,193 square foot lot in a Single Residence 2 (SR2) zoning district improved with a 3 ½ story, 7,001 square foot single-family dwelling constructed circa in 1886.

The petitioner seeks approval for the construction of a one-and-a-half story, 21.1 foot high detached garage with a 700 square foot footprint and 462 square feet of livable space above the ground floor.

The proposed accessory building would further increase the property's nonconforming floor area ratio (FAR) from 0.39 to 0.45 where 0.33 is the maximum allowed, requiring a special permit per Sections 3.1.3, 3.1.9 and 7.8.2.C.2 of the Newton Zoning Ordinance (NZO).

As designed the detached garage requires an additional special permit for two 13.1-foot wide dormers (one on each of the north and south facades) that exceed 50% of the length of the exterior wall of the story next below (23 feet wide).

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The further extension of the property's nonconforming floor area ratio (FAR) from 0.39 to 0.45 where 0.33 is the maximum allowed is substantially more detrimental than the existing nonconforming structure to the neighborhood (§3.1.3, §7.8.2.C.2)
- The specific site in a Single Residence 2 (SR2) district is an appropriate location for a detached garage as designed with dormers in excess of 50% of the wall planes below (§7.3.3.C.1)
- The proposed detached garage as designed with dormers in excess of 50% of the wall planes below, will adversely affect the neighborhood (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The surrounding neighborhood is mostly residential in nature, with single family dwellings directly to the north and generally to the east and south and several two-family dwellings to the west (including the dwelling directly across the street) and generally to the north/northwest. Exceptions include a religious institution approximately 250 to the east and the Massachusetts Turnpike about the same

distance to the north. The site and the block it is located on is zoned SR2. Several Multi Residence 2 (MR2) lots are located to the north, with Multi Residence 1 (MR1) zoned areas located to the east and west (**Attachments A and B**).

B. Site

The property consists of an 18,193 square foot lot improved with a 3 ½ story, 7,001 square foot single-family dwelling. The lot slopes gently downward from south to north across the entire property approximately eight feet. Vehicular access is provided via a bituminous driveway and an associated curb cut off Putnam Street.

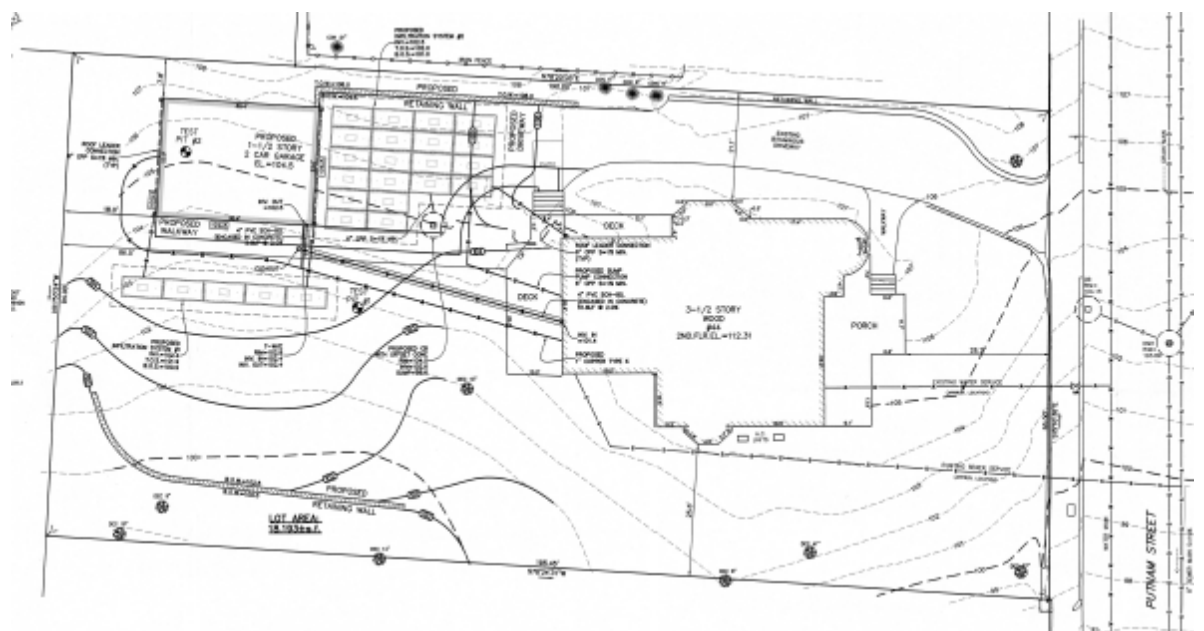
III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a single-family dwelling.

B. Building and Site Design

The petitioner is seeking approval for the construction of a one-and-a-half-story, 21.1-foot-high detached garage. The proposed structure would have a 700-square foot footprint and 462 square feet above the ground floor. The proposed accessory building would further increase the property's nonconforming floor area ratio (FAR) from 0.39 to 0.45 where 0.33 is the maximum allowed, requiring a special permit.



Proposed site plan

In addition, the design of the proposed garage shows two dormers, one each on the north and south sides of the building that measure 13.1 $\frac{3}{4}$ -feet wide. The exterior wall directly below each of these dormers measures 23 feet. A special permit is required for these dormers as they would be greater than 50% of the length of the exterior wall below.

C. Parking and Circulation

Currently, there is no garage on the site. The petitioners are proposing to provide two vehicle spaces on the ground floor of the proposed garage. The driveway will be extended past the house to provide vehicular access to the garage.

D. Landscape and Screening

A landscape plan was not submitted with the petition. The Planning Department suggests that the petitioner be prepared to provide details of any proposed plantings in advance of or at the upcoming public hearing.

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 completed Zoning Review Memorandum, the petitioner is seeking a Special Permit per §7.3.3 to:

- further extend nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)
- allow a dormer in excess of 50% of the wall plane below (§1.5.4.G.2.b)

B. Engineering Review

Review of the proposal by the Engineering Division is not required at this time.

C. Newton Historical Commission

Review of the proposal by the Newton Historical Commission is not required at this time.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Council Order

ATTACHMENT A







Land Use

44 Putnam St.

*City of Newton,
Massachusetts*

Land Use

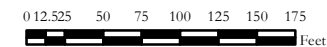
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Nonprofit Organizations
-  Vacant Land

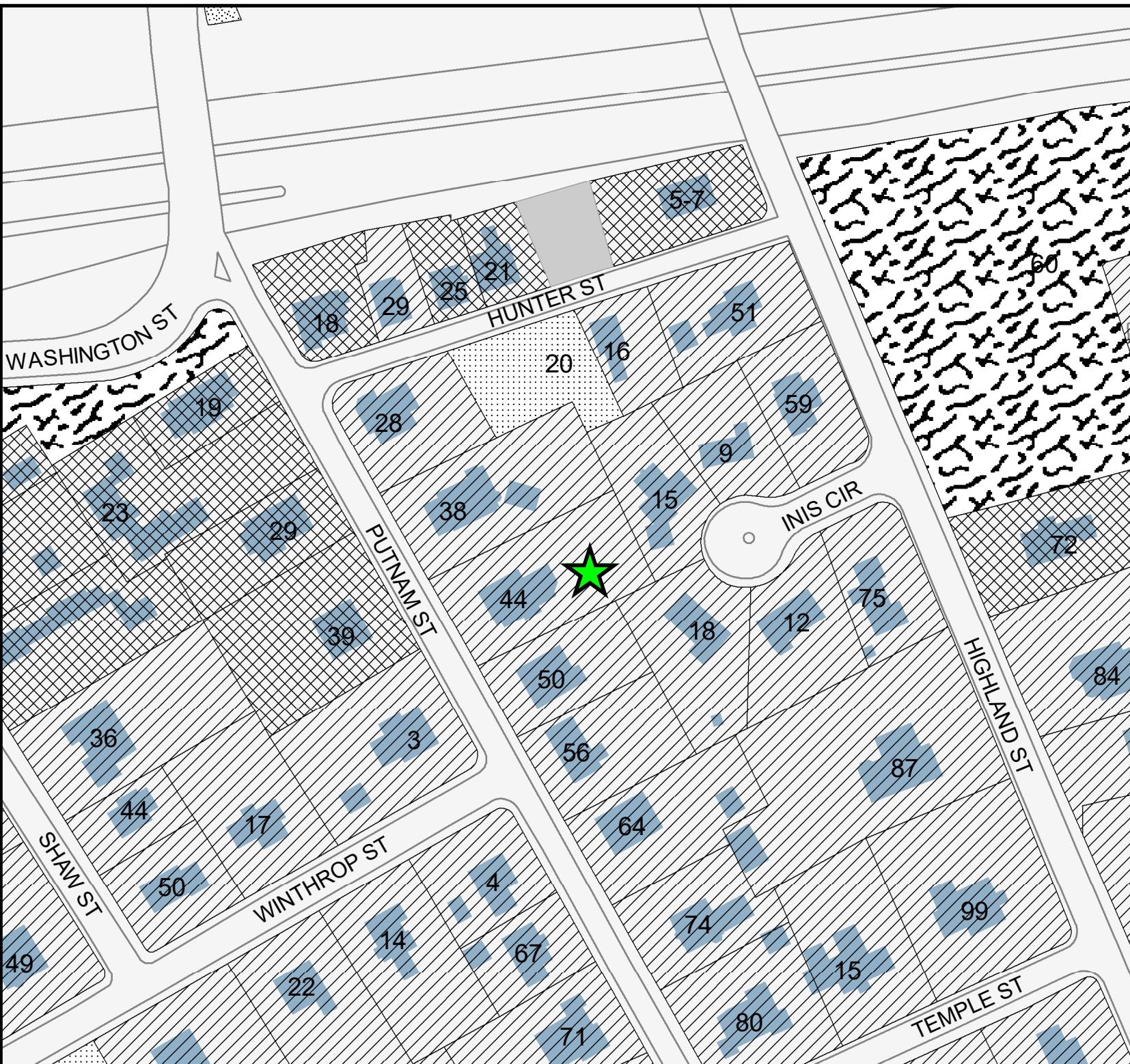


The information on this map is Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: August 05, 2021

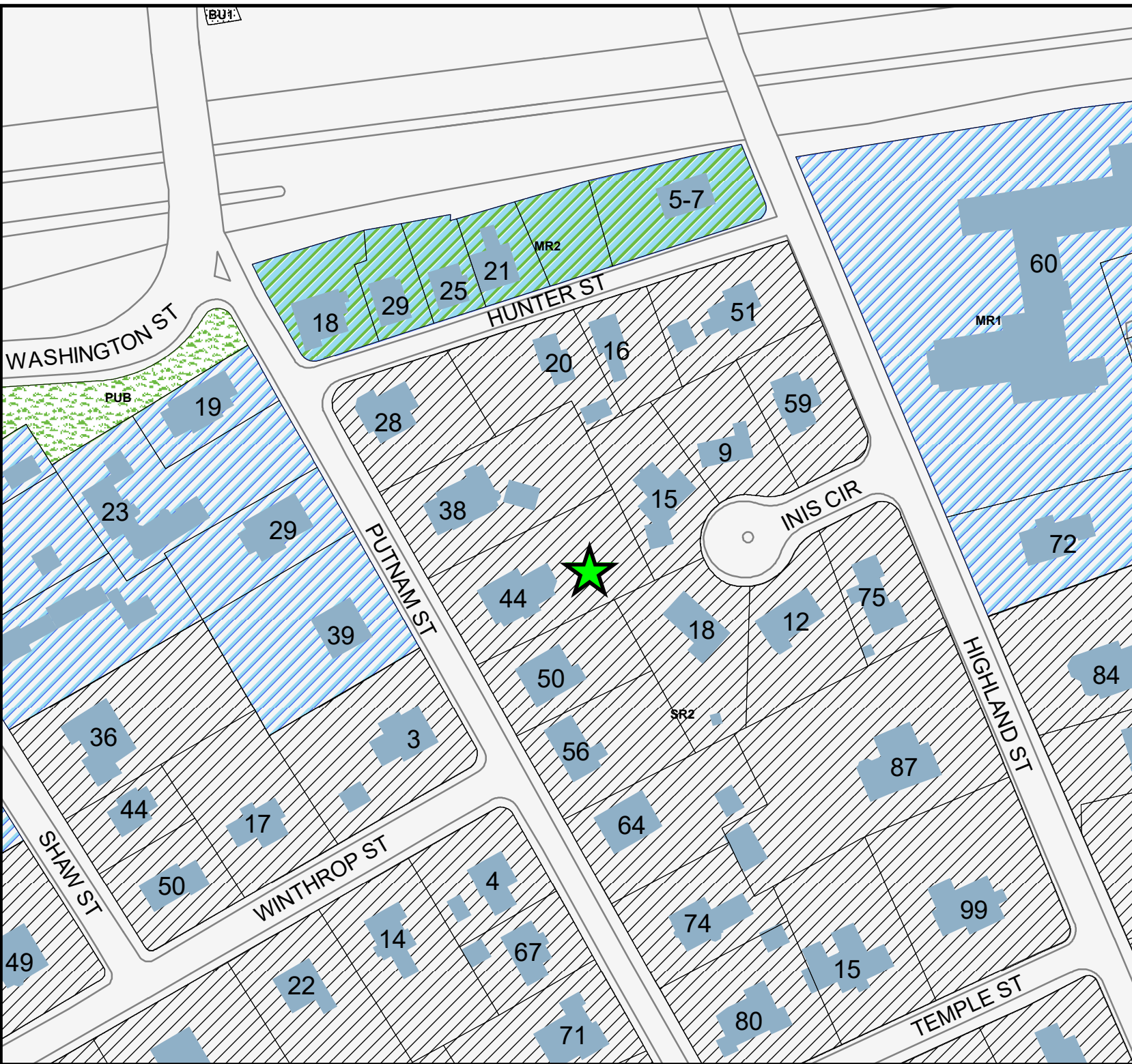







ATTACHMENT B

Zoning

44 Putnam St.

*City of Newton,
Massachusetts*

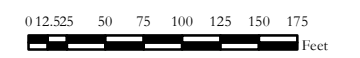


-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Public Use



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: August 04, 2021



Ruthanne Fuller
Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 2, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Peter Sachs, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to further increase nonconforming FAR and to allow oversized dormers in an accessory structure

Applicant: Peter Sachs	
Site: 44 Putnam Street	SBL: 32007 0016
Zoning: SR2	Lot Area: 18,193 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 44 Putnam Street consists of an 18,193 square foot lot improved with a single-family dwelling constructed circa 1886. The petitioners propose to construct a detached structure containing a first-story garage and living space above. The proposed accessory structure’s dormers will exceed the by-right size limit as well as the floor area ratio, requiring a special permit.

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

- Zoning Review Application, prepared by Federico Arellano, architect, submitted 4/27/2021
- Topographic Site Plan, Existing Conditions, prepared by VTP, surveyors, dated 4/21/2021
- Topographic Site Plan, Proposed Conditions, signed and stamped by Joseph R. Porter, surveyor, dated 4/28/2021
- Architectural plans and elevations, signed and stamped by Peter Sachs, architect, dated 4/11/2021
- FAR calculation, submitted 4/27/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner seeks to construct a detached garage with home office space above. Per section 1.5.4.G.2.b, a dormer may be no wider than 50% of the length of the exterior wall of the story next below. The petitioner proposes to construct 13.2-foot-wide dormers at both ends of the 23-foot-wide structure. The proposed dormers are 57% of the width of the story next below, requiring a special permit.
2. The dwelling contains 7,001 square feet and the proposed detached structure contains a total of 1,162 square feet within one and a half stories, resulting in a total of 8,163 square feet. The nonconforming FAR is .39, where .33 is the maximum allowed. The proposed detached structure results in a FAR of .45, further increasing the nonconforming FAR, requiring a special permit pursuant to Sections 3.1.3, 3.1.9 and 7.8.2.C.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	18,193 square feet	No change
Frontage	100 feet	95 feet	No change
Setbacks - Principal <ul style="list-style-type: none"> • Front • Side • Side • Rear Setbacks - Accessory <ul style="list-style-type: none"> • Front • Side • Side • Rear 	25 feet 7.5 feet 7.5 feet 15 feet 25 feet 5 feet 5 feet 5 feet	28.2 feet 22.6 feet 21.1 feet 88.5 feet 	No change No change No change No change >100 feet >50 feet 7.5 feet 18 feet
Max Number of Stories <ul style="list-style-type: none"> • Principal • Accessory 	2.5 1.5	3.5 1.5	No change 1.5
Max Height <ul style="list-style-type: none"> • Principal • Accessory 	36 feet 22 feet	44.1 feet	No change 21.1 feet
FAR	.33	.39	.45
Max Lot Coverage	30%	12.6%	16.4%
Min. Open Space	50%	78.5%	69.4%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further increase the nonconforming FAR	S.P. per §7.3.3
§1.5.4.G.2.b	Request to allow a dormer exceeding 50% of the length of the exterior wall of the story next below	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a detached one-and-a-half story, 21.1 foot high detached garage with a 700 square foot footprint and 462 square feet of livable space above the ground floor and two dormers with widths in excess of 50% of the wall planes below, further increasing the property's nonconforming floor area ratio (FAR) from 0.39 to 0.45 where 0.33 is the maximum allowed as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- 1) The further extension of the property's nonconforming floor area ratio (FAR) from 0.39 to 0.45 where 0.33 is the maximum allowed is not substantially more detrimental than the existing nonconforming structure to the neighborhood as the proposed accessory structure's location in the rear of the property will have limited visibility from public rights-of-way and will provide enclosed parking where none currently exists (§3.1.3, §7.8.2.C.2)
- 2) The specific site in a Single Residence 2 (SR2) district is an appropriate location for the proposed 700 square foot detached garage, as designed with dormers in excess of 50% of the wall planes below, as the use is consistent with the residential nature of the surrounding area (§7.3.3.C.1)
- 3) The proposed 700 square foot detached garage as designed with dormers in excess of 50% of the wall planes below will not adversely affect the neighborhood as its location in the rear of the property will have limited visibility from public rights-of-way and will provide enclosed parking where none currently exists (§7.3.3.C.2)
- 4) There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- 5) Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

PETITION NUMBER: #261-21

PETITIONER: Jason Rhodes

ADDRESS OF PETITIONERS: 28 Hyde Avenue
Newton, MA 02458

LOCATION: 44 Putnam Street, on land known as Section 32, Block 7, Lot 16,
containing approximately 18,193 square feet of land

OWNERS: Jason Rhodes

ADDRESS OF OWNERS: 28 Hyde Avenue
Newton, MA 02458

TO BE USED FOR: Single Family Dwelling

EXPLANATORY NOTES: Special Permits per §7.3.3 to:
➤ further extend nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)
➤ allow a dormer in excess of 50% of the wall plane below
(§1.5.4.G.2.b)

ZONING: Single Residence 2 (SR2) 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. A site plan entitled "Topographic Site Plan, Newton Massachusetts, Showing Proposed Conditions at #44 Putman Street," prepared by George C. Collins, P.L.S., dated June 3, 2021, signed and stamped by Joseph R. Porter, Professional Land Surveyor and Marc Besio, Registered Professional Engineer.
 - b. A set of architectural plans entitled "Rhodes Residence, 44 Putnam St, Newton, MA," prepared by Peter Sachs, **dated August 6, 2021**, consisting of the following sheets:
 - i. Title Sheet (A-1)
 - ii. Proposed Floor Plans (A-2)
 - iii. Proposed Building Elevations (A-3)
 - iv. Proposed Building Elevations (A-4)

- c. A document entitled "Floor Area Ratio Worksheet, 44 Putnam Street," indicating a proposed "Total gross floor area" of 8,163 square feet and a proposed "FAR" (floor area ratio) of 0.45.
 - d. A plan entitled "Landscaping Plan (A-00)," dated August 6, 2021
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 an architect 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
 - c. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features and fencing consistent with the plans referenced in Condition #1.