



Ruthanne Fuller  
Mayor

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

**#303-21**

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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 5, 2021  
Land Use Action Date: December 27, 2021  
City Council Action Date: January 3, 2022  
90-Day Expiration Date: January 3, 2022

DATE: October 1, 2021

TO: City Council

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

SUBJECT: **Petition #303-21** for SPECIAL PERMIT/SITE PLAN APPROVAL to allow the construction of a two-story, 317 sq. ft. side addition, further increasing the nonconforming FAR at **107 Hobart Road**, Ward 7 Newton Centre, on land known as Section 61 Block 06 Lot 01, containing approximately 10,729 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

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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.



**107 Hobart Road**

## EXECUTIVE SUMMARY

The property at 107 Hobart Road consists of a 10,729 square foot corner lot in a Single Residence 1 (SR1) zoning district improved with a 4,483 square foot, 2½ story, 42.35-foot-tall single-family dwelling constructed in 1904.

The petitioners propose to raze an existing wood deck on the side and rear of the dwelling and construct a two-story side addition with a 317 square foot footprint.

The addition would add 696 square feet (157 square feet of which would be located in the basement) of space includable in the property's floor area ratio (FAR), resulting in a total of 5,179 square feet. It would increase its nonconforming FAR from the existing 0.41 to 0.48 where 0.32 is the maximum allowed by right, requiring a special permit pursuant to Sections 3.1.3, 3.1.9 and 7.8.2.C.2 of the Newton Zoning Ordinance (NZO).

The Planning Department is generally not concerned with the creation of proposed addition given its subordinate scale and location relative to the existing structure.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- the proposed resulting floor area ratio (FAR) is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9)
- the increased floor area ratio (FAR) is substantially more detrimental than the existing nonconforming FAR is to the neighborhood (§7.8.2.C.2)

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The site is developed with a single-family dwelling, consistent with the surrounding neighborhood, with some vacant lots being exceptions (**Attachment A**). The site and surrounding area south of Commonwealth Avenue are uniformly zoned SR1; the area north of Commonwealth Avenue is zoned Single Residence 2 (SR2) (**Attachment B**).

#### B. Site

The subject property consists of a 10,729 square foot corner improved with a 4,483 square foot, 2 ½ story, 42.35 feet tall, single-family dwelling constructed in 1904. Vehicular access is provided via a driveway that traverses the front "corner" portion of the lot and is served by curb cuts on both Hobart and Bishopsgate roads. The remaining portions of the site feature lawn areas with mature trees, shrubs and other vegetation.

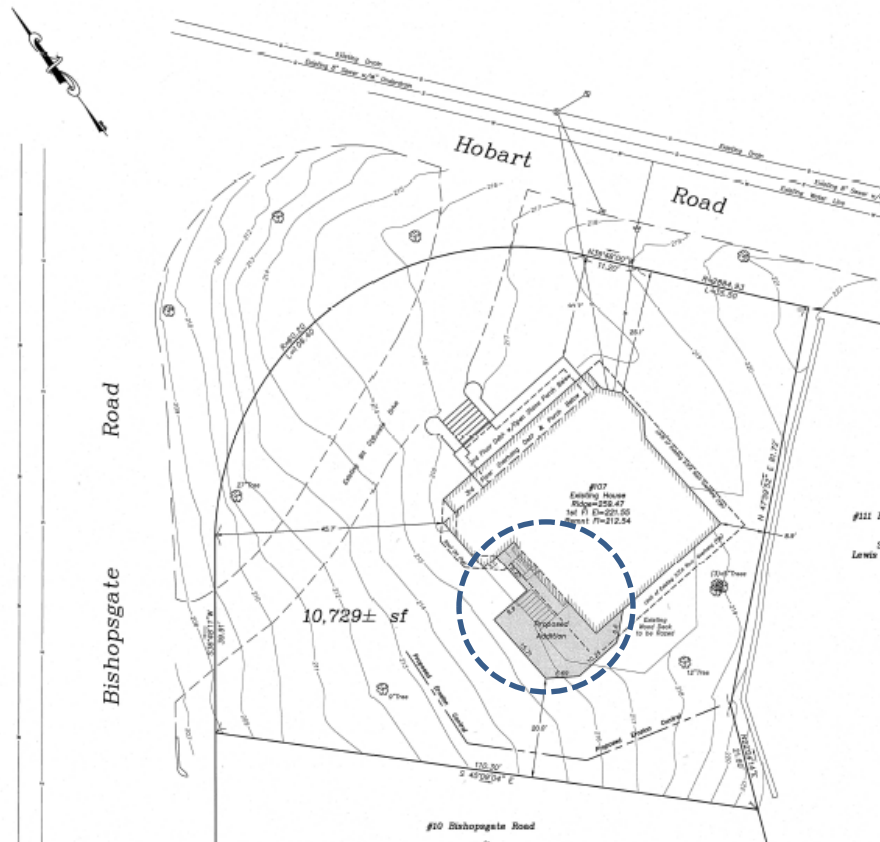
### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

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

B. Building and Site Design

The petitioners propose to construct a two-story side addition. The construction would involve the removal of an existing wood deck on the side and rear of the dwelling.



***Proposed site plan with location of proposed addition***

The addition, which would have a 317 square foot footprint, would add 696 square feet (157 square feet of which would be located in the basement) of space includable in the property's floor area ratio (FAR), resulting in a total of 5,179 square feet. This would increase the nonconforming floor area ratio (FAR) from the existing 0.41 to 0.48 where 0.32 is the maximum allowed by right.

The structure's height and number of stories would remain unchanged. The side setback along the property line shared with the abutting property on Bishopsgate Road would be reduced from 23.7 to 20 feet, remaining above the minimum 12.5 feet required; the other setbacks would remain unchanged.



*Existing and Proposed west elevations*

C. Parking and Circulation

No changes to the property's parking or circulation are contemplated by the present petition.

D. Landscape, Lighting and Signage

A landscaping plan was not submitted with 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 completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3 to further increase nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)

B. Engineering Review

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

C. Historic Review

Historic Preservation staff determined that the proposed construction is not subject to review by the Newton Historic Commission (NHC).

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

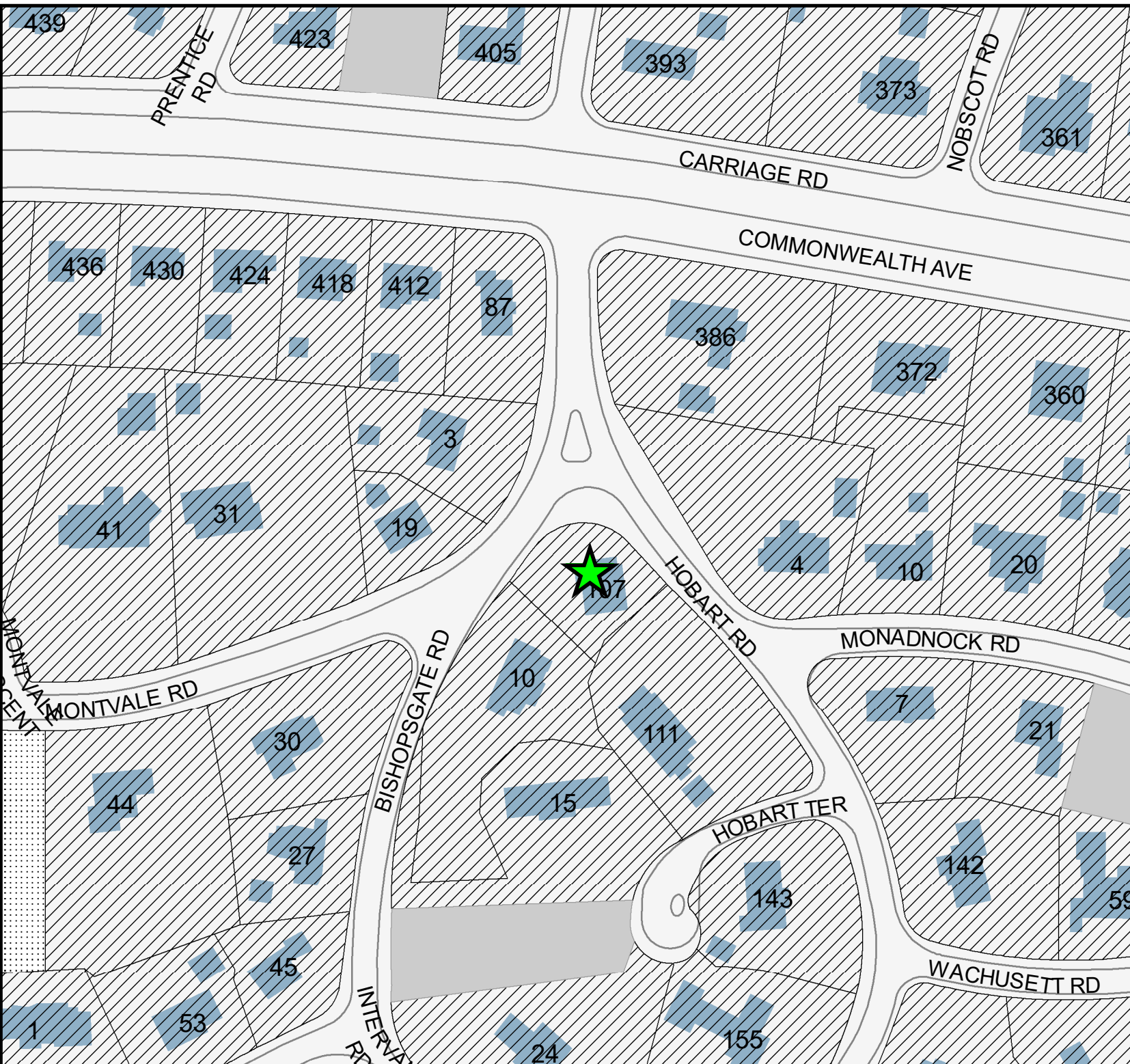
### 107 Hobart Road

City of Newton,  
Massachusetts

## Land Use

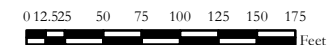
### Land Use

-  Single Family Residential
-  Mixed Use
-  Vacant Land



The information on this map is derived from the City of 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 - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



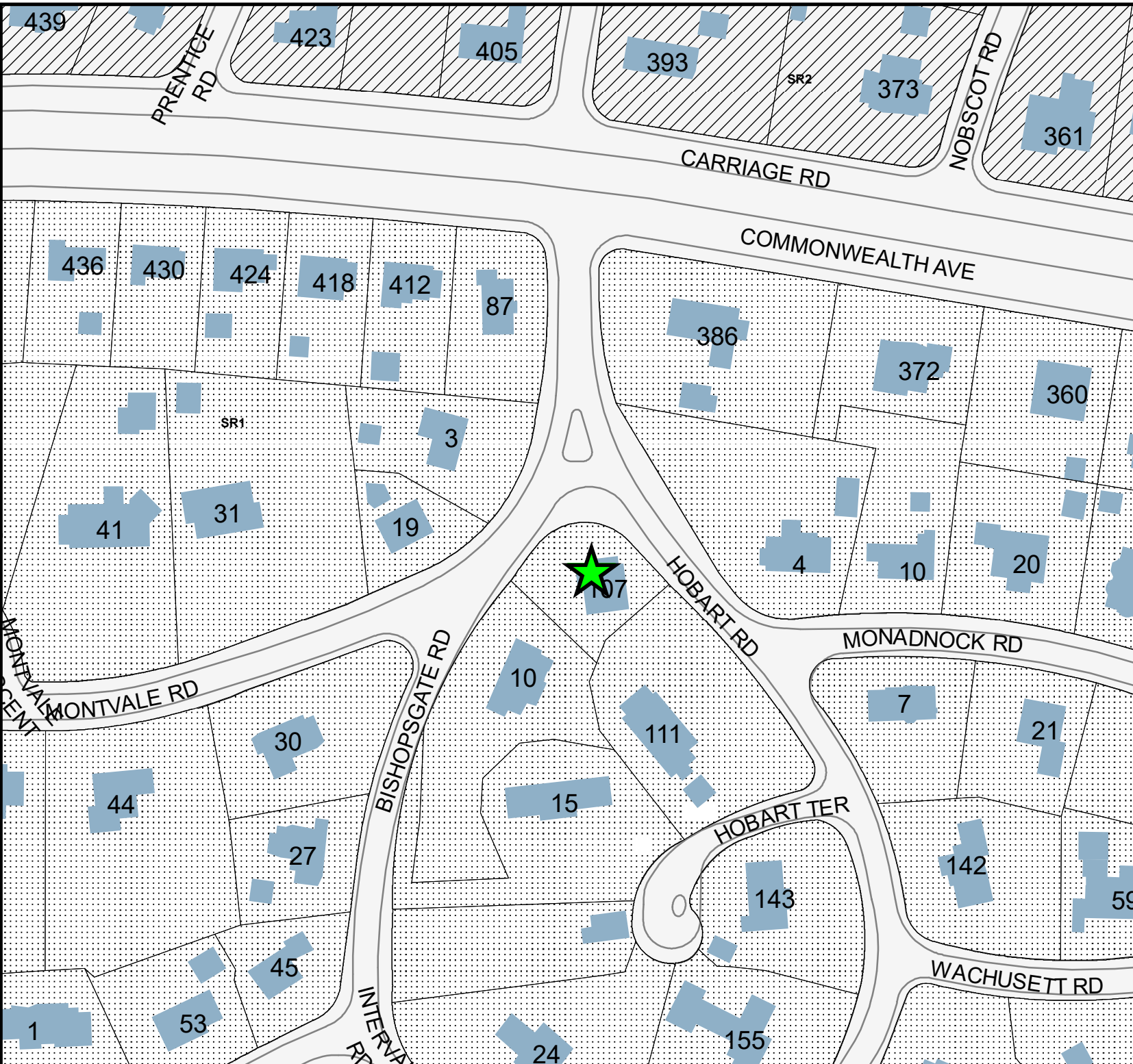
Map Date: September 29, 2021



# ATTACHMENT B

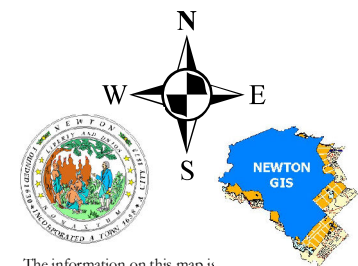
## Zoning

### 107 Hobart Road

City of Newton,  
Massachusetts

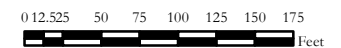


-  Single Residence 1
-  Single Residence 2



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



Map Date: September 29, 2021

# ATTACHMENT C



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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: August 2, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Paulita Davey and Michael Jolly, Applicants  
Terrence P. Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

RE: Request to further increase nonconforming FAR

Applicant: Paulita Davey and Michael Jolly	
Site: 107 Hobart Road	SBL: 61006 0001
Zoning: SR1	Lot Area: 10,729 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 107 Hobart Road consists of a 10,729 square foot corner lot improved with a single-family dwelling constructed in 1904. The petitioners propose to raze an existing wood deck on the side and rear of the dwelling and construct a two-story side addition with a 317 square foot footprint. The proposed changes will further increase the nonconforming FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Terrence P Morris, attorney, submitted 6/2/2021
- Plan of Land – Existing Conditions, signed and stamped by Verne T. Porter, surveyor, dated 6/1/2021
- Plan of Land – Proposed Conditions, signed and stamped by Verne T. Porter, surveyor, dated 6/1/2021, revised 7/26/2021
- FAR calculation and floor plans, signed and stamped by David Grover, architect, dated 5/11/2021
- Plans and elevations, prepared Slocum Hall Designs, architect, dated 4/22/2021



**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners intend to construct a two-story addition with 157 square feet within the basement. The addition adds 696 square feet resulting in a total of 5,179 square feet. The existing nonconforming FAR is .41, where .32 is the maximum allowed per section 3.1.9. The proposed addition further increases the nonconforming FAR to .48, requiring a special permit pursuant to Sections 3.1.3, 3.1.9 and 7.8.2.C.2.

<b>SR1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	15,000 square feet	<b>10,729 square feet</b>	<b>No change</b>
Frontage	100 feet	100 feet	No change
Setbacks <ul style="list-style-type: none"> <li>• Front (Hobart Rd)</li> <li>• Front (Bishopsgate Rd)</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 25 feet 12.5 feet 25 feet	<b>20.7 feet</b> 45.7 feet 23.7 feet <b>8.9 feet</b>	<b>No change</b> No change 20 feet <b>No change</b>
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	<b>42.35 feet</b>	<b>42.35 feet</b>
FAR	.32	<b>.41</b>	<b>.48</b>
Max Lot Coverage	20%	17.3%	19.5%
Min. Open Space	65%	67.6%	68.3%

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3, §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the property's nonconforming floor area ratio (FAR),

as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. the proposed expanded structure with a floor area ratio (FAR) of 0.48 is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9, §7.8.2.C.2)
2. the proposed increased floor area ratio (FAR) of 0.48 is not substantially more detrimental than the existing nonconforming FAR of 0.41 to the neighborhood, given the proposed addition's modest scale subordinate to the existing structure and its limited visibility from adjacent public ways and nearby dwellings (§7.8.2.C.2)

PETITION NUMBER: #309-21

PETITIONER: Paulita David

LOCATION: 107 Hobart Road, on land known as Section 61 Block 6, Lot 1, containing approximately 10,729 square feet of land

OWNER: Paulita David

ADDRESS OF OWNER: 107 Hobart Road  
Newton, MA 02458

TO BE USED FOR: Single family dwelling

EXPLANATORY NOTES: Special permit per §7.3.3 to:

- further increase nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)

ZONING: Single Residence 1 (SR1)

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 "107 Hobart Road, Newton, Massachusetts, Proposed Addition Location," dated July 26, 2021, prepared by Verne T. Porter Jr., P.L.S., signed and stamped by Verne T. Porter Jr., Registered Professional Land Surveyor
  - b. A set of architectural plans entitled "David-Jolly Residence, 107 Hobart Road, Newton, MA 02467," dated May 11, 2021, prepared by Slocum Hall Design Group, Inc., including the following sheets:
    - a. FAR Study (A001), signed and stamped by Peter R. Grover, Registered Architect, August 13, 2019
    - b. Proposed 1<sup>st</sup> & 2<sup>nd</sup> Floor Plans (A100)
    - c. Proposed Exterior Elevations (Front and West) (A200)
    - d. Proposed Exterior Elevations (Rear and East) (A201)
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 Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded 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 engineer certifying compliance with Condition #1.
  - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.