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#379-21

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	December 7, 2021
Land Use Action Date:	February 22, 2021
City Council Action Date:	March 7, 2021
90-Day Expiration Date:	March 7, 2021

DATE: December 3, 2021

TO: City Council

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

SUBJECT: **Petition #379-21**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to exceed the FAR by constructing a 2.5 story attached garage addition with living space above, and to reconstruct a retaining wall at the rear of the property exceeding 4' in height at 111 Gordon Road, Ward 5, Waban, on land known as Section 53 Block 09 Lot 15, containing approximately 14,500 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 5.4.2.B of Chapter 30 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 that the Land Use Committee of the City Council can consider at a subsequent working session.



111 Gordon Road

EXECUTIVE SUMMARY

The subject property located at 111 Gordon Road consists of a 14,500 square foot lot improved with a single-family residence constructed circa 1929. The property is in the Single Residence 2 (SR-2) zone in Waban. The petitioners are seeking to construct a 2.5-story addition to the right side of the dwelling. The proposed addition increases the floor area ratio (FAR) from .30 to .36, where .34 is the maximum FAR allowed by right. Therefore, the petitioners require a special permit to exceed the FAR.

To accommodate the addition, the petitioners are also proposing to reconstruct a 6.9-foot-tall, retaining wall within the side setback. To reconstruct the wall requires a special permit.

As proposed, the addition does not affect the traditional scale of the neighborhood as there are similar structures with double bay front facing garages. The proposed addition was administratively approved by the Chief Preservation Planner and incorporates the existing materials of the house into the additions such as the slate roof. For these reasons, staff believes the proposed additions would not be in derogation of the size, scale, and design of other structures in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the City Council should consider whether:

- The specific site is an appropriate location for the proposed addition which exceeds the FAR. (§7.3.3.C.1)
- The specific site is an appropriate location for the reconstructed retaining wall greater than four feet in height within the side setback. (§7.3.3.C.1)
- The proposed addition which increases the FAR and the retaining wall greater than four feet in height within the side setback will adversely affect the neighborhood (§7.3.3.C.2)
- There will be a 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)
- The increase in the floor area ratio (FAR) from .30 to .36, where .34 is allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, §3.1.9)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

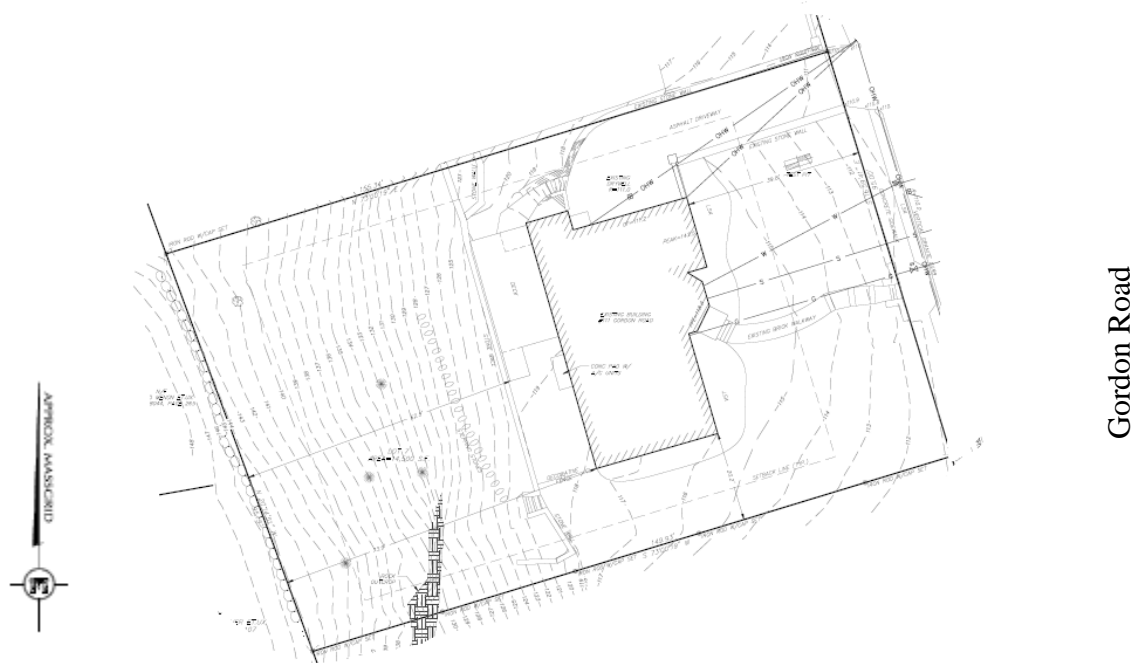
A. Neighborhood and Zoning

The subject property is located on Gordon Road in the SR-2 zone in Waban. The entirety of the neighborhood is within the SR-2 zone (**Attachment A**). Gordon Road also consists primarily of single-family residences (**Attachment B**).

B. Site

The site consists of 14,500 square feet and is improved with a Tudor Revival style single-family residence constructed circa 1929. The grade of the lot slopes upwards from the front to the rear (east to west) approximately 32 feet. The site has access from Gordon Road along the northern property line, with a retaining wall that runs along the property line and curves around the back of the driveway to provide access to the garage.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain a single-family residence.

B. Site and Building Design

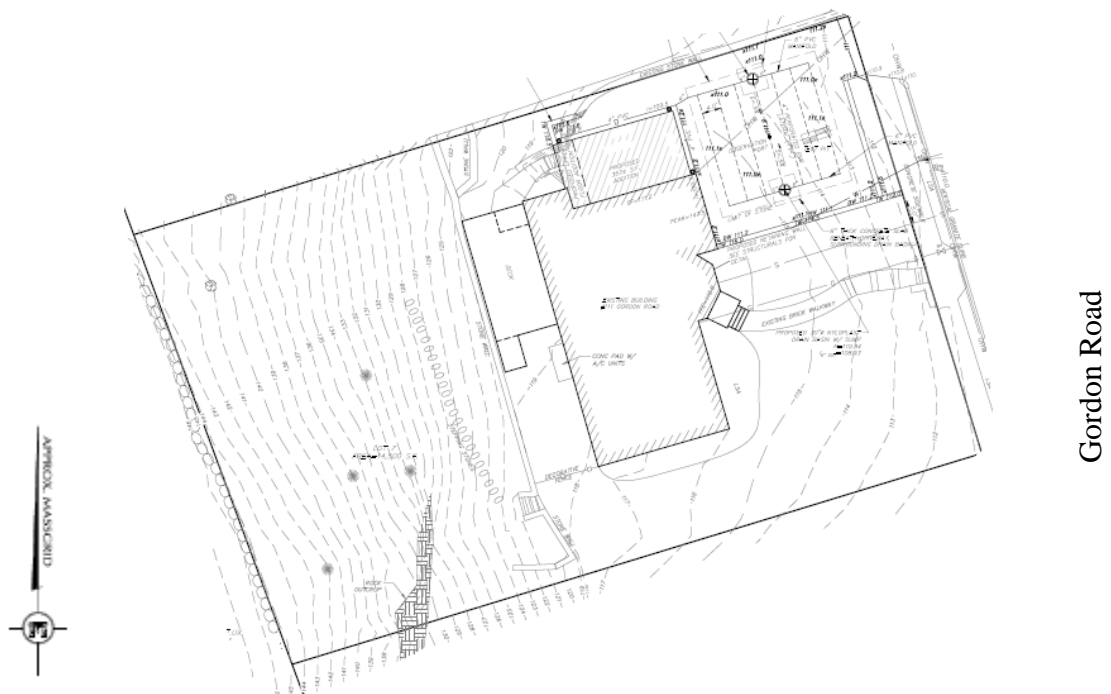
The petitioners are proposing to construct a 2.5-story addition to side of the dwelling,

extending the front façade towards the northern property line. The proposed addition consists of a one car garage and living space above. The design would re-orient the existing attached one car garage from a side facing garage to a two-car front facing garage.

The addition expands the footprint by approximately 9 feet towards the northern property line, reducing the side setback from 17 feet to 8.1 feet. The addition is set back 40.6 feet from Gordon Road, maintaining the existing front setback of 39.8 feet.

The petitioners are proposing to reconstruct a portion of the retaining wall that is currently rounded to a 90-degree angle to accommodate the addition. The wall reaches a height of 6.9 feet within the side setback. The reconstruction of the retaining wall requires a special permit.

Proposed Site Plan



Proposed Front Elevation



The dwelling contains 4,294 square feet of floor area and is proposed at 5,147 square feet, where the maximum allowed square footage is 4,930. However, the design of the addition complements the existing house and will match the existing materials such as the slate roof, and stone veneer. The placement of the windows and garage door also visually complement the dwelling. The neighborhood consists of similarly sized structures with similar presentations from the street. Staff believes the proposed and the resulting dwelling will not be in derogation of the size, scale, and design of other structures in the neighborhood.

C. Parking and Circulation

The petitioners are proposing to expand the driveway to align with the reoriented two front-facing garage bays. The proposed driveway expansion consists of 390 square feet of area consisting of both asphalt and pavers. The curb cut would remain at 12.6 feet wide from Gordon Road.

D. Landscaping and Screening

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning (**Attachment C**). Based on the Memorandum, the petitioner is seeking the following relief:

- §3.1.9 and §7.3.3 of Section 30, to exceed the maximum FAR.
- §5.4.2.B of Section 30, to allow a retaining wall exceeding four feet within the side setback.

B. Engineering Review

Review from the Engineering Division of Public Works is not required at this time. The size of the addition and driveway expansion will require the petitioner to provide a drainage analysis to the Engineering Division for review and approval prior to the issuance of a building permit. Staff suggests incorporating the standard condition regarding the Operations and Maintenance (O & M) Plan of the stormwater management system prior to the issuance of a temporary certificate of occupancy, should this petition be approved.

C. Newton Historical Commission Review

The submitted plans were reviewed and approved by the Chief Preservation Planner on July 15, 2021. The Chief Preservation Planner will review the plans again prior to the issuance of a building permit, should this petition be approved.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

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

ATTACHMENT A

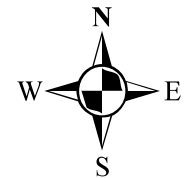
Zoning

111 Gordon Road

*City of Newton,
Massachusetts*

Legend

 Single Residence 2

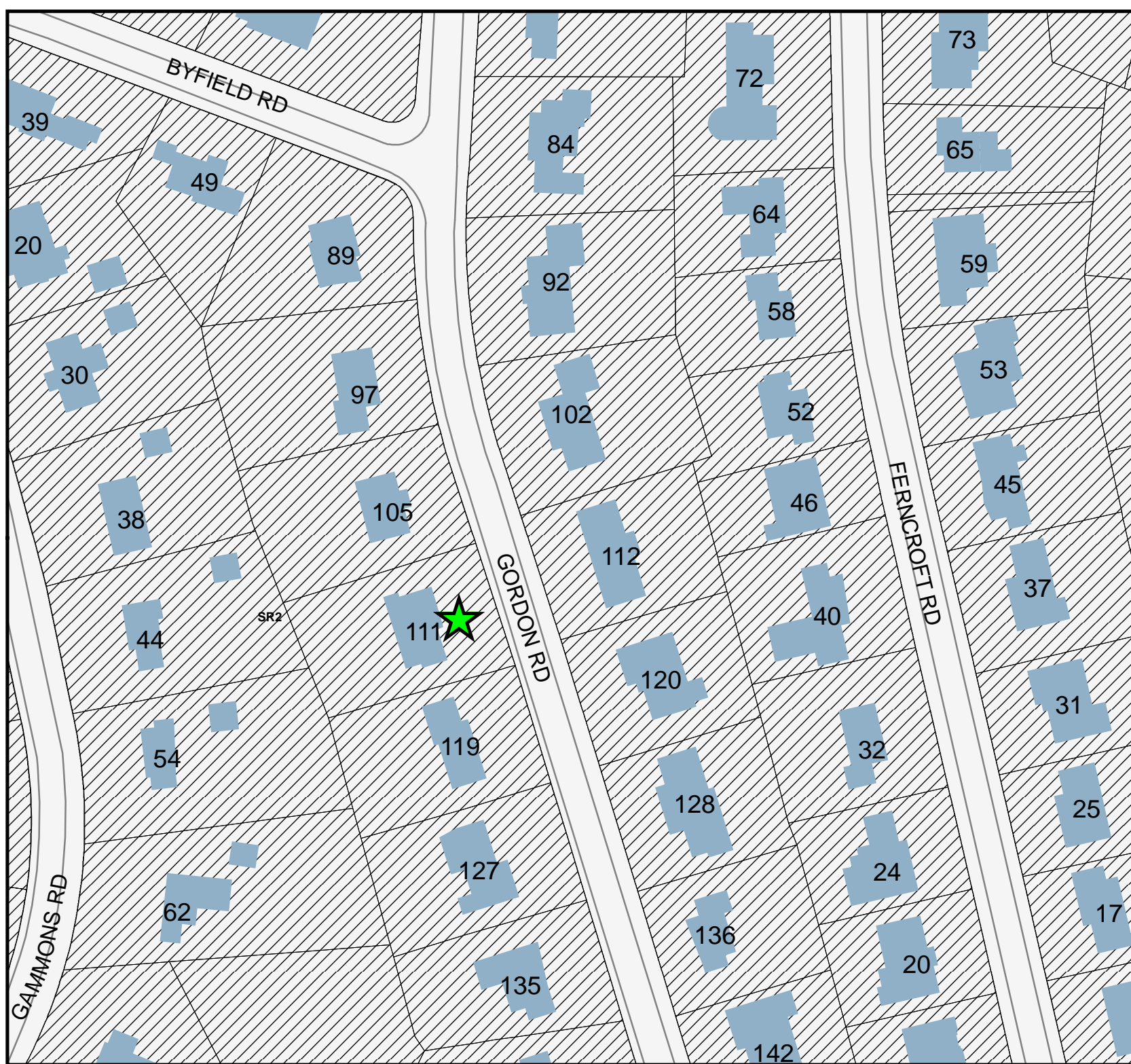


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125
Feet

Map Date: November 22, 2021



ATTACHMENT B



Land Use

111 Gordon Road

*City of Newton,
Massachusetts*

Legend

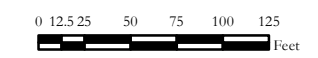
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations



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CITY OF NEWTON, MASSACHUSETTS
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 20, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Daniel S. Elfman and Alyssa D. Bickoff, Applicants
Franklin Schwarzer, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to exceed FAR and to allow a retaining wall exceeding four feet within a setback

Applicant: Daniel Elfman and Alyssa Bickoff

Site: 111 Gordon Road	SBL: 53009 0015
Zoning: SR2	Lot Area: 14,500 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 111 Gordon Road consists of a 14,500 square foot lot improved with a single-family dwelling constructed in 1929. The petitioners propose to construct a 2.5-story addition consisting of a one-car garage in the basement with living space in the stories above. Additionally, the petitioners propose to reconstruct and reconfigure a retaining wall at the rear of the property. The proposed changes require a special permit.

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

- Zoning Review Application, prepared by Franklin Schwarzer, attorney, submitted 7/28/2021
- Existing Conditions Plan, signed and stamped by Claudio Sala, surveyor, dated 4/21/2021
- Proposed Conditions Plan, signed and stamped by Claudio Sala, surveyor, dated 4/21/2021
- Permit set, prepared by Spalding Tougias, architect, dated 4/1/2021
- FAR calculation, submitted 7/28/2021

ADMINISTRATIVE DETERMINATIONS:

- The petitioners propose to construct a 2.5-story addition to include a one-car garage at the basement level and two levels of living space above. The proposed addition results in a FAR of .36 where .34 is the maximum allowed. To exceed the maximum allowed requires a special permit pursuant to Sections 3.1.3 and 3.1.9.
- An existing retaining wall at the end of the driveway is proposed to be reconfigured and reconstructed to square off the right corner. The proposed wall has a maximum height of 6.9 feet within the side setback. Per section 5.4.2.B retaining walls in excess of four feet within a setback require a special permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	14,500 square feet	No change
Frontage	100 feet	95 feet	No change
Setbacks			
• Front	25 feet	39.8 feet	No change
• Side	7.5 feet	20.2 feet	No change
• Side	7.5 feet	17 feet	7.7 feet
• Rear	15 feet	62.5 feet	No change
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	31.5 feet	32.4 feet
FAR	.34	.30	.36
Max. Lot Coverage	30%	14.9%	17.3%
Min. Open Space	50%	77.8%	72.8%

Items in **Bold** are either nonconforming or require a special permit.

- See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3
§5.4.2.B	Request to allow a retaining wall exceeding four feet within the setback	S.P. per §7.3.3//

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City 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 exceed the floor area ratio (FAR) from .30 to .36, where .34 is the maximum allowed by right, and to allow a retaining wall exceeding four feet in height within the side setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific is an appropriate location for the proposed addition which exceeds the FAR because there are similarly sized homes in the neighborhood with front facing, two car garages.
2. The specific site is an appropriate location for the reconstructed retaining wall greater than four feet in height within the side setback because it is replacing an existing wall. (§7.3.3.C.1)
3. The proposed addition which increases the FAR and the retaining wall greater than four feet in height within the side setback will not adversely affect the neighborhood because there are similarly sized homes in the neighborhood and the proposed retaining wall replaces an existing wall. (§7.3.3.C.2)
4. There will not be a nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained. (§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)
6. The increase in the floor area ratio (FAR) from .30 to .36, where .34 is allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the proposed addition is in keeping with the architectural integrity of the dwelling. (§3.1.3, §3.1.9)

PETITION NUMBER: #379-21

PETITIONER: Alyssa D. Bickoff and Daniel S. Elfman

LOCATION: 111 Gordon Road, on land known as Section 53, Block 9, Lot 0015, containing approximately 14,500 square feet of land

OWNER: Alyssa D. Bickoff and Daniel S. Elfman

ADDRESS OF OWNER: 111 Gordon Road
Newton, MA 02468

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: to exceed the FAR (§3.1.9, §3.1.3 and §7.3.3) and to allow a retaining wall exceeding four feet in height with the side setback (§5.4.2.B, §7.3.3)

ZONING: Single Residence 2

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. Site Plan, "Proposed Addition 111 Gordon Road" prepared by DeCelle Burke Sala, signed and stamped by James W. Burke, Professional Land Surveyor, dated April 21, 2021.
 - b. Architectural Floorplans, prepared by Spalding Tougias Architects, Inc., unsigned and unstamped, dated April 1, 2021, consisting of the following seven (7) sheets.
 - i. Demolition Plans, D100
 - ii. Basement Proposed Garage, A100
 - iii. Proposed First and Second Floor Floorplan, A101
 - iv. Roof Plan and Reflected Ceiling Plans, A102
 - v. Building Elevations A201
 - vi. Building Sections, A301
 - vii. Wall Types and Window Details, A401
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Inspectional Services, Engineering Division of Public Works, and the Department of Planning and Development.
3. 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 council 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 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.
4. The petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management, should such a system be required, to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
5. 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 statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.
 - 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 Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.