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Mayor

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**#26-22**

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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 11, 2022  
Land Use Action Date: March 29, 2022  
City Council Action Date: April 4, 2022  
90-Day Expiration Date: April 11, 2022

DATE: January 7, 2022

TO: City Council

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

SUBJECT: **Petition #26-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing garage and construct a new attached garage exceeding the maximum FAR and requiring setback and door width variances at **14 Crystal Street**, Ward 6, Newton, on land known as Section 62 Block 07 Lot 08, containing approximately 11,640 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.4.4.C.3, 3.1.9 of Chapter 30 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.



**14 Crystal Street**

## EXECUTIVE SUMMARY

The subject property at 14 Crystal Street consists of a 11,640 square foot lot in a Single Residence 2 (SR2) zoning district improved with a 2 ½ story, 32.2 foot high, 4,108 square foot single-family residence constructed circa 1880.

The petitioners propose to raze an existing 574 square foot attached garage on the southern portion of the lot and construct a new two-story addition on the northern portion of the structure that would include a two-car attached garage and living space above.

As designed, the proposed garage and addition would add approximately 424 square feet to the structure, increasing the floor area ratio (FAR) from 0.35 to 0.39 where 0.36 is the maximum allowed per Sections 3.1.3 and 3.1.9 of the Newton Zoning Ordinance (NZO) requiring a special permit. This increase would represent approximately 280 square feet above the by-right maximum FAR, a relatively small increase given the size of the existing dwelling and lot.

Also, construction of the proposed addition would result in a 2.4-foot left (north) side setback, where 7.5 feet is required per Section 3.1.3 of the NZO, requiring the granting of a variance per Sec. 7.4 by the Zoning Board of Appeals (ZBA). An additional variance would also be needed to permit the proposed single 18-foot-wide double garage door to service the two-car garage as, per Sec. 3.4.4.C.3 of the NZO, a double garage door may be no wider than 16 feet on a front-facing garage.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- the proposed expanded structure with a FAR of 0.39 where 0.35 currently exists and 0.36 is the maximum allowed by-right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9)

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located on east side of Crystal Street between Beacon Street and Lake Avenue. The site and most of the surrounding area is occupied by single family dwellings, with some exceptions including some two-family dwellings, including abutting properties directly to the north and across Crystal Street (**Attachment A**). While the site and surrounding area are predominantly zoned Single Residence 2 (SR2) some properties across Crystal Street to the west are zoned Multi Residence 1 (MR1) (**Attachment B**).

#### B. Site

The subject property consists of a 11,640 square foot lot improved with a 2 ½ story, 32.2 foot high, 4,108 square foot single-family residence. The lot slopes approximately four feet upward from the front to rear property line (west to east). The existing garage is accessed by a paved driveway on the right (south) side of the dwelling. The remaining portions of the site are attractively landscaped with lawn area, and mature trees and shrubs .

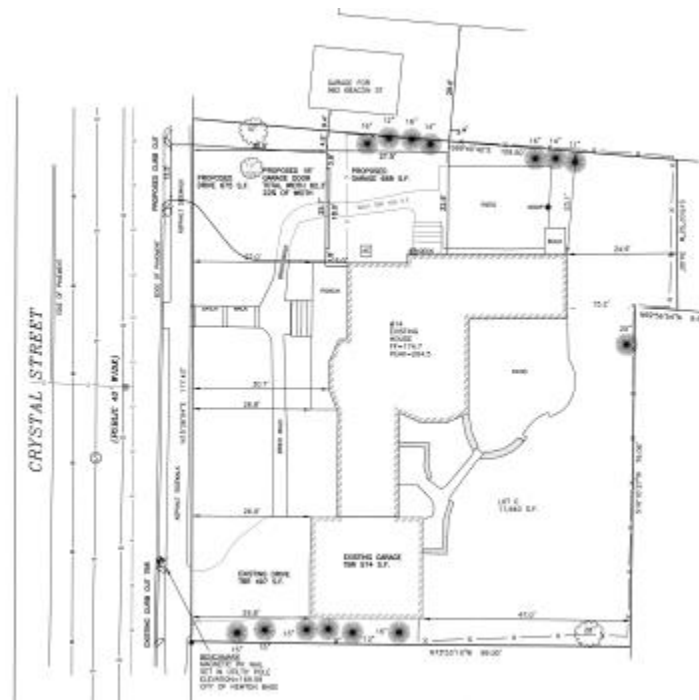
### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

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

#### B. Building and Site Design

The petitioners propose to remove the existing 574 square foot attached garage on the southern portion of the lot and construct a new two-story addition with a 668 square foot footprint on the northern portion of the structure that would include a two-car attached garage on the ground level and 321 square feet of living space above.



***Proposed site plan***

As designed, the resulting structure with the proposed garage and addition would add 424 square feet to the structure, increasing the floor area ratio (FAR) from 0.35 to 0.39 where 0.36 is the maximum allowed per Sections 3.1.3 and 3.1.9 of the Newton Zoning Ordinance (NZO) requiring a special permit.

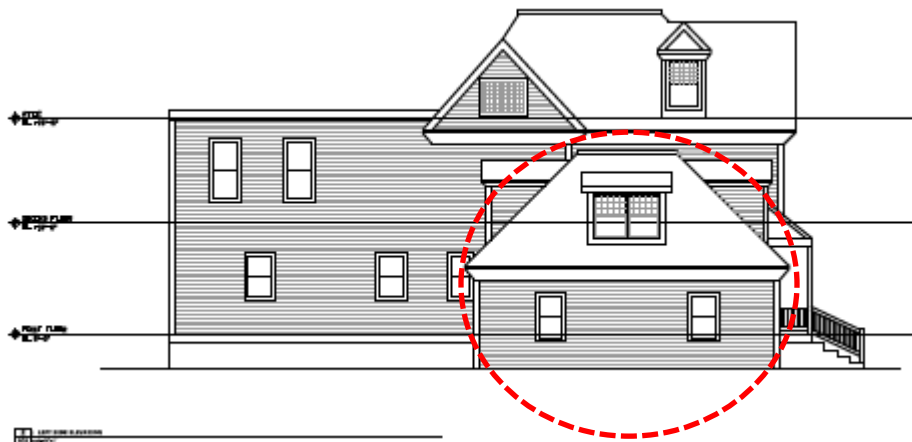
The dwelling's height and number of stories would remain unchanged and the addition would be subordinate to the existing structure and its ridgeline.

Regarding setbacks, the existing conforming front and rear setbacks would remain unchanged at 26.8 feet and 15.2 feet, respectively. The existing nonconforming right (south) side setback would be increased from 5.7 to approx. 25 feet where 7.5 feet is required with the removal of the existing attached garage. However, construction of the proposed left (north) side garage/addition would reduce the existing 23.1-foot setback on that side to 2.4 feet where 7.5

feet is required. That change will require the granting of a variance by the Zoning Board of Appeals (ZBA).



***Proposed front elevation (new garage/addition indicated)***



***Proposed left (north) side elevation (new garage/addition indicated)***

An additional variance from the ZBA would also be needed to permit the proposed single 18-foot-wide double garage door for the two-car garage because, per Sec. 3.4.4.C.3 of the NZO, a front-facing double garage door may be no wider than 16 feet.

C. Parking and Circulation

The petitioners propose to remove the existing 574 square foot attached garage and the associated driveway and curb cut on the southern portion of the lot and construct a new two-story addition on the northern portion of the structure that would include a two-car attached garage and living space above.

The garage would be accessed by a new driveway and 12.5-foot-wide curb cut that would be located just to the left (north) of an existing utility pole, between it and the left side property

line. The driveway would widen as it traverses the front of the lot to serve the garage's proposed "oversize" door which, as indicated in the attached zoning review memorandum, would require a variance from the ZBA.

D. Landscaping

The proposed site plan indicates that an existing tree in the location of the proposed new driveway would be removed.

The existing and proposed site plans indicate the location of several trees on either side of the property, including several in both the location of the existing garage and driveway as well as that of the proposed garage and driveway. Planning staff recommends that the petitioner take steps to preserve and protect those trees so they can serve to provide screening for abutting properties.

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 exceed floor area ratio (~~FAR~~)(§3.1.3, §3.1.9)

The Planning Department notes that the project would also require variances from the ZBA per §7.4 to reduce the required side setback and to allow an 18-foot-wide double garage door on a front-facing garage.

B. Engineering Review

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

C. Historic Review

On November 30, 2021, Newton Historical Commission staff approved the proposed work, requiring only final review of construction plans prior to the issuance of a building permit.

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 Order

# ATTACHMENT A

## Land Use

14 Crystal St.

City of Newton,  
Massachusetts



## Land Use

## Land Use

- Single Family Residential
- Multi-Family Residential
- Mixed Use



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



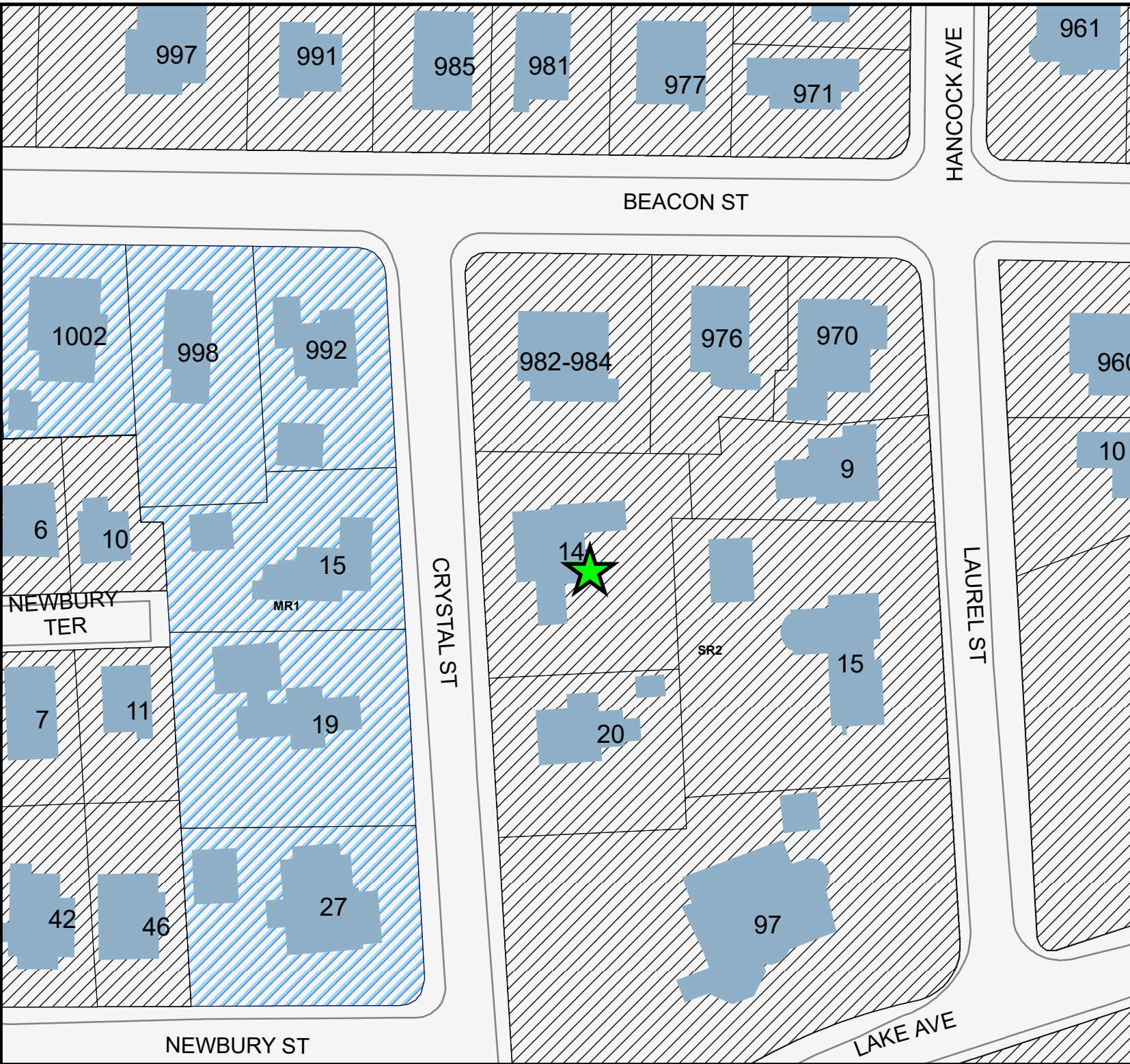
Map Date: January 03, 2022



# ATTACHMENT B

## Zoning

14 Crystal St.

*City of Newton,  
Massachusetts*



-  Single Residence 2
-  Multi-Residence 1



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



Map Date: January 03, 2022





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Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: October 5, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Jeffrey Freedman, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

**RE: Request for variances from the side setback requirement and garage door width and a special permit to exceed FAR**

Applicant: Jeffrey Freedman	
Site: 14 Crystal Street	SBL: 62007 0008
Zoning: SR2	Lot Area: 11,640 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 14 Crystal Street consists of a 11,640 square foot lot improved with a single-family residence constructed circa 1880. The petitioner seeks to raze an existing attached garage on the southern portion of the lot and construct a new attached garage on the northern portion. The proposed garage does not meet the required side setback and door width requirements, requiring variances, and the addition exceeds the maximum 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 Jeffrey Freedman, applicant, dated 8/22/2021
- Existing Conditions Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 12/28/2020
- Proposed Conditions Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 6/17/2021
- FAR worksheet, submitted 8/22/2021
- Architectural Plans and Elevations, prepared by SDS Architects, dated 4/23/2021

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to raze an existing 574 square foot attached garage on the southern portion of the property and construct a two-story addition on the northern portion of the structure to include a two-car attached garage with living space above. The proposed addition results in a 2.4-foot side setback, where 7.5 feet is required per section 3.1.3. A variance per section 7.4 is required to reduce the required side setback from 7.5 feet to 2.4 feet.
2. The petitioners propose to install a single 18-foot-wide double garage door to service the two-car garage. Per section 3.4.4.C.3, a double garage door may be no wider than 16 feet on a front-facing garage. A variance per section 7.4 is required to allow an 18-foot-wide double garage door.
3. The existing FAR of the dwelling is .35 where .36 is the maximum allowed per section 3.1.3 and 3.1.9. The petitioners propose to net 424 square feet of new garage and living space, resulting in an FAR of .39, requiring a special permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	11,640 square feet	No change
Frontage	80 feet	117 feet	No change
Setbacks			
• Front	25 feet	26.8 feet	No change
• Side	7.5 feet	<b>5.7 feet</b>	±25 feet
• Side	7.5 feet	23.1 feet	<b>3.4 feet*</b>
• Rear	15 feet	15.2 feet	No change
Max Height	36 feet	33.2 feet	No change
Max stories	2.5	2.5	No change
FAR	.36	.35	<b>.39*</b>
Max Lot Coverage	30%	21.3%	<b>22.2%</b>
Min. Open Space	50%	74%	72%

\*Requires relief

Figures in **BOLD** are nonconforming

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3	Request for a variance to reduce required side setback	Variance per §7.4
§3.4.4.C.3	Request for a variance to allow an 18-foot-wide double garage door on a front-facing garage	Variance per §7.4
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3

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 increase the floor area ratio (FAR) from 0.35 to 0.39 where 0.36 is the maximum allowed (§3.1.3, §3.1.9), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- the proposed expanded structure, with a floor area ratio (FAR) of 0.39 where 0.35 currently exists and 0.36 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as the immediately vicinity features similar structures and parcel sizes (§3.1.9)

PETITION NUMBER: #26-22

PETITIONER: Jeff Freedman

LOCATION: 14 Crystal Street, Section 62, Block 7, Lot 8, containing approximately 11,640 square feet of land

OWNER: Jeff Freedman

ADDRESS OF OWNER: 14 Crystal Street  
Newton, MA 02459

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- exceed floor area ratio (FAR)(§3.1.3, §3.1.9)

ZONING: Single Residence 2 (SR2)

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 the following plans:
  - a. a site plan entitled "Plan of Land in Newton, MA, 14 Crystal Street- Proposed Additions," prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, Professional Land Surveyor, October 19, 2021
  - b. a set of architectural drawings entitled 14 Crystal St. Residence," prepared by SDS Architects, LLC, signed and stamped by Daniel J. St. Clair, Registered Architect November 11, 2021, consisting of the following sheets:
    - i. Existing Conditions (ZA- 01)
    - ii. Proposed Conditions (ZA-02)
    - iii. Main House Foundation Plan (A-01)
    - iv. Main House Foundation Plan (*note*: includes First Floor Plan/Garage First Level)(A-02)
    - v. Main House First Floor Plan (*note*: includes (1) Garage Second Level, (2) Garage Second Level, (3) Section (Garage), (4) Section (Garage)) (A-03)
    - vi. Main House First Floor Plan (*note*: shows Second Floor Plan)(A-04)
    - vii. Main House Elevations (Left Side and Front) (A-06)
2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until and unless the petitioner seeks and is granted any all required variances from the Newton Zoning Board of Appeals (ZBA).
3. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.

- b. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
- c. 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.