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Mayor

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Department of Planning and Development  
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**#157-22**

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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: March 1, 2022  
Land Use Action Date: May 10, 2022  
City Council Action Date: May 16, 2022  
90-Day Expiration Date: May 30, 2022

DATE: February 25, 2022

TO: City Council

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

SUBJECT: **Petition #157-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second-story addition, vertically extending the nonconforming front setbacks on a corner lot at **4 Clarendon Street**, Ward 2, Newton, on land known as Section 22 Block 09 Lot 01, containing approximately 5823 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 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.



## EXECUTIVE SUMMARY

The subject property at 4 Clarendon Street consists of a 5,823 square foot corner lot in a Multi Residence 1 (MR1) zoning district improved with a 1 ½ story, 1,529 square foot single-family residence built in 1925 and a 254 square foot detached garage.

The dwelling is located 8.9 feet from Clarendon Street and 14.9 feet from Norwood Avenue where the required front setbacks are 20.4 feet and 25 feet respectively, based on the average of the front setbacks of the abutting properties per Section 1.5.3.B of the Newton Zoning Ordinance (NZO).

The petitioner proposes to construct a second story addition (which would also include floor area in a half-story above) that would vertically extend the nonconforming front setbacks on both Clarendon Street and Norwood Avenue, requiring a special permit per Secs. 3.2.3 and 7.8.2.C.2 of the Newton Zoning Ordinance (NZO). Additionally, a one-story greenhouse, enclosed porch and deck would be constructed on the south side of the dwelling.

The Planning Department is generally not concerned with the proposed project as the resulting structure would be similar in scale to others in the area.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The proposed vertical extension of the existing nonconforming front setbacks would be substantially more detrimental than the existing nonconforming setbacks to the neighborhood (§3.2.3, §7.8.2.C.2)

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located on the southeast corner of Clarendon Street's intersection with Norwood Avenue. While the area is primarily occupied by two-family dwellings, there are also many single-family dwellings such as the subject property as well as an assisted living community located just to the northeast across Norwood Avenue (**Attachment A**). The site and surrounding area are zoned Multi Residence 1 (MR1), with the nearby assisted living facility again being an exception as it is zoned Multi Residence 3 (MR3) (**Attachment B**).

#### B. Site

The subject property consists of a level 5,823 square foot corner lot improved with a 1 ½ story, 1,529 square foot single-family residence and a 254 square foot detached garage. Vehicular access to the detached garage is provided via a curb cut and driveway located on Norwood Avenue. The lot also includes lawn area, some shrubbery and fencing along its perimeter.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

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

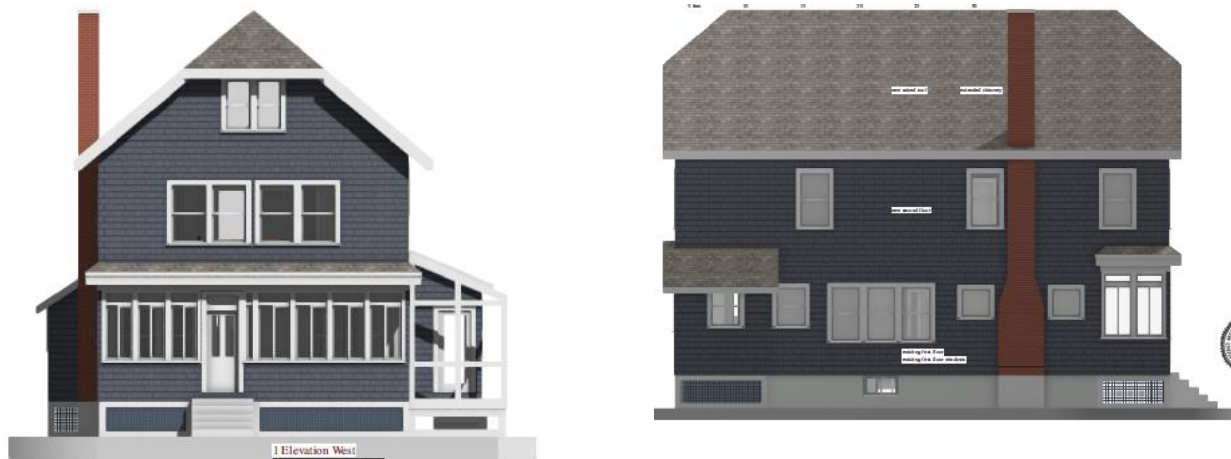
#### B. Building and Site Design

The existing dwelling is set back only 8.9 feet from Clarendon Street and 14.9 feet from Norwood Avenue. Utilizing the average front setbacks of the abutting properties (per Sec. 1.5.3.B) the required front setback from Clarendon Street is 20.4 feet while 25 feet is required from Norwood Avenue.

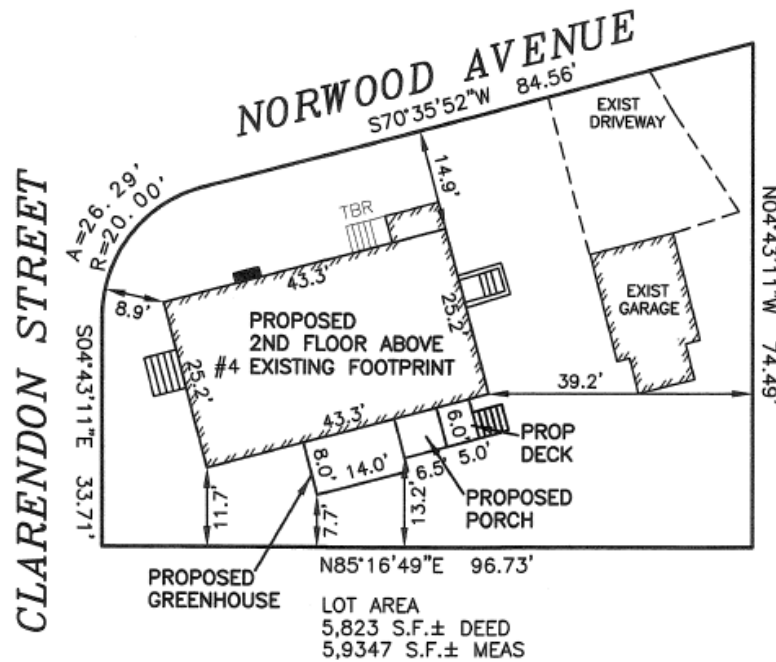
The proposed addition would vertically extend these nonconforming front setbacks on both Clarendon Street and Norwood Avenue requiring a special permit per Secs. 3.2.3 and 7.8.2.C.2. The resulting structure would have 2 ½ stories (the maximum allowed and similar to other dwellings in the neighborhood), and measure 34.6 feet in height, slightly less than the maximum 36 feet allowed by right.

The addition would add 679 square feet of area to the second floor and 507 square feet in the half story above that. In the aggregate (including the proposed greenhouse), the countable floor area would increase from 1,783 to 3,129 square feet. This would increase the property's FAR from the existing 0.30 to 0.53, remaining below the allowed 0.56.

While the proposed addition would be within the dwelling's existing footprint, construction of the proposed one-story greenhouse, enclosed porch, and deck on the south side of the dwelling would result in reducing the side setback on Clarendon Street from 11.7 to 7.7 feet.



***Proposed Clarendon Street and Norwood Avenue elevations***



***Proposed site plan***

C. Parking and Circulation

The petitioners are not proposing to make any changes to the existing driveway or garage.

D. Landscape, Lighting and Signage

The petitioners have not submitted a landscaping plan 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 vertically extend nonconforming front setbacks (§3.2.3, §7.8.2.C.2)

B. Engineering Review

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

C. Historic Review

On September 23, 2021, the Newton Historical Commission waived the demolition delay based upon approved plans presented at the hearing on that date.

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

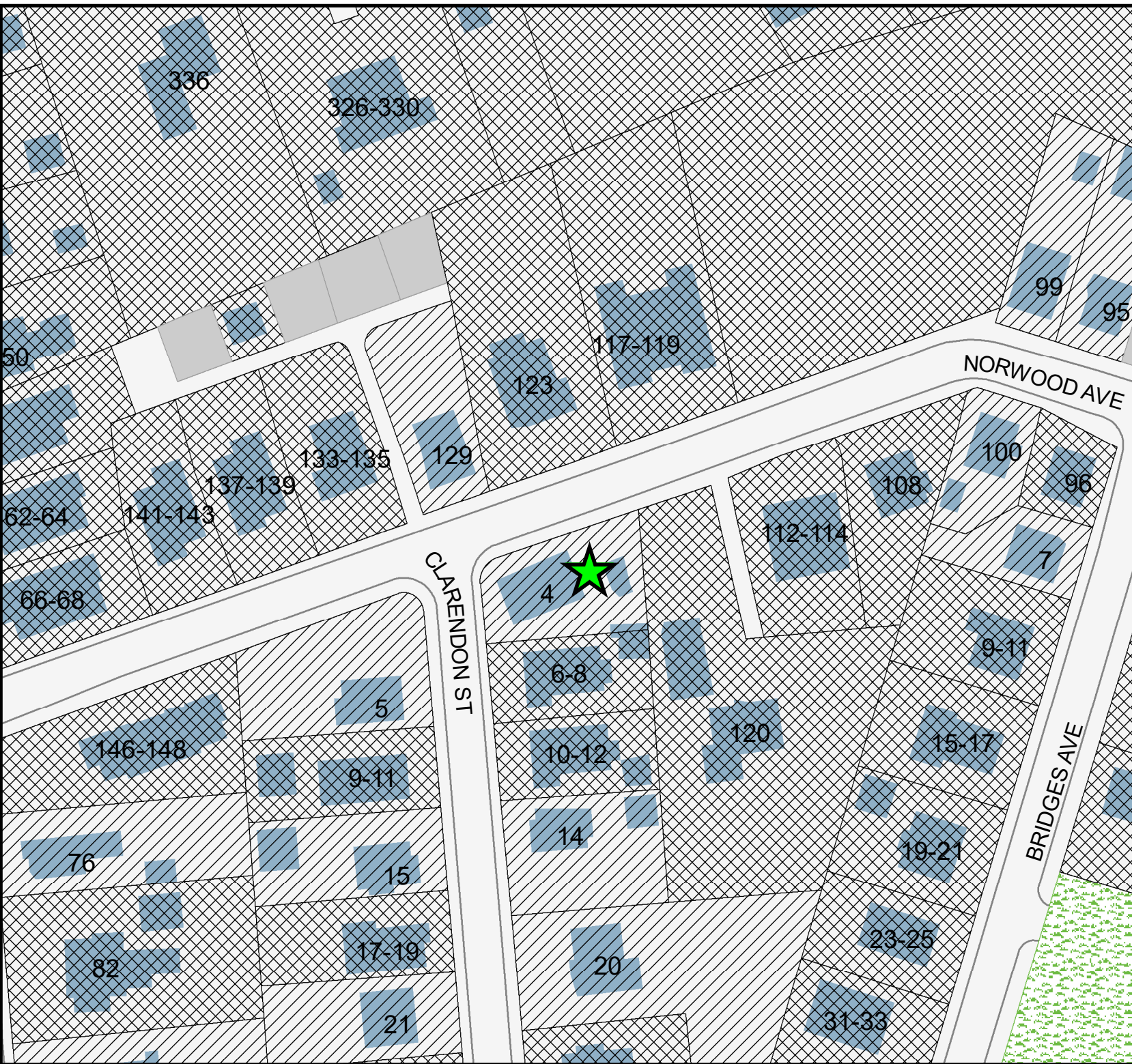
### 4 Clarendon St.

City of Newton,  
Massachusetts

## Land Use

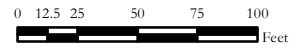
### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  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

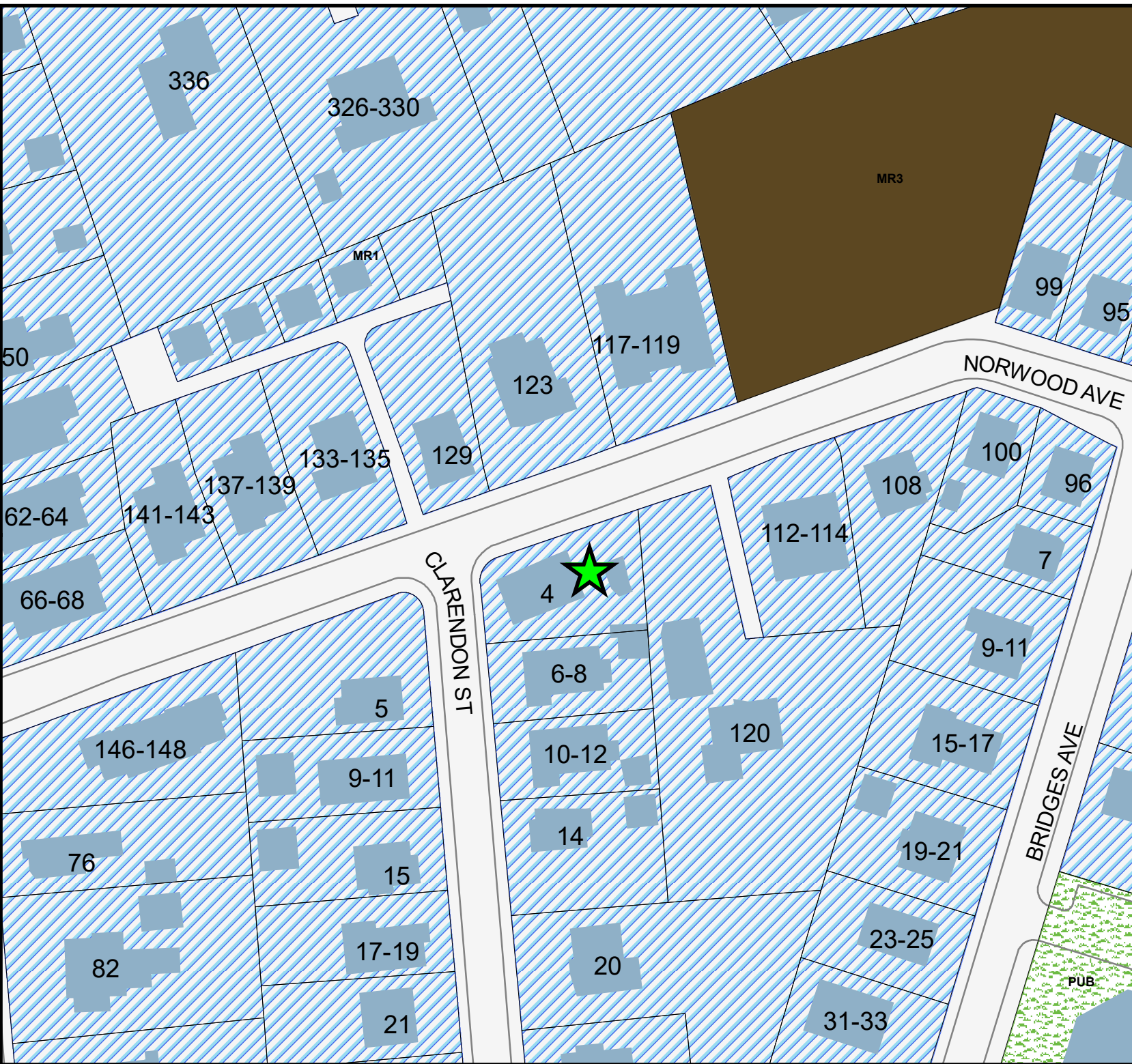





# ATTACHMENT B

## Zoning

**4 Clarendon St.**

*City of Newton,  
Massachusetts*

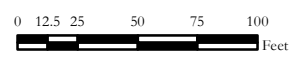


-  Multi-Residence 1
-  Multi-Residence 3
-  Public Use



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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: December 23, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Henry Finch, Architect  
Bhamini Vaidialingam and Venka Sarma Ravi, Applicants  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: Request to extend nonconforming front setbacks

| Applicant: Bhamini Vaidialingam and Venka Sarma Ravi |                             |
|------------------------------------------------------|-----------------------------|
| Site: 4 Clarendon Street                             | SBL: 22009 0001             |
| Zoning: MR1                                          | Lot Area: 5,823 square feet |
| Current use: Single-family dwelling                  | Proposed use: No change     |

### BACKGROUND:

The property at 4 Clarendon Street consists of a 5,823 square foot corner lot improved with a single-family residence built in 1925. The petitioner proposes to construct a second story addition, vertically extending the nonconforming front setback on both Clarendon Street and Norwood Avenue. Additionally, a one-story greenhouse and enclosed porch will be constructed on the side of the dwelling.

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

- Zoning Review Application, prepared by Henry Finch, architect, submitted 12/6/2021
- Existing Conditions Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 8/21/2020
- Proposed Conditions Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 8/31/2020, revised 11/5/2020



**ADMINISTRATIVE DETERMINATIONS:**

1. The dwelling was constructed 8.9 feet from Clarendon Street and 14.9 feet from Norwood Avenue. Utilizing the average front setbacks of the abutting properties per section 1.5.3.B, the required front setback from Clarendon Street is 20.4 feet while 25 feet is required from Norwood Avenue. The petitioners seek to construct a 1.5-story addition vertically extending the nonconforming front setbacks, requiring a special permit per sections 3.2.3 and 7.8.2.C.2.

| <b>MR1 Zone</b>                                                                                                                                  | <b>Required</b>                             | <b>Existing</b>                                               | <b>Proposed</b>                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------------|
| Lot Size                                                                                                                                         | 7,000 square feet                           | <b>5,823 square feet</b>                                      | <b>No change</b>                                                |
| Frontage                                                                                                                                         | 80 feet                                     | 85 feet                                                       | No change                                                       |
| Setbacks <ul style="list-style-type: none"> <li>• Front (Clarendon St)</li> <li>• Front (Norwood Ave)</li> <li>• Side</li> <li>• Rear</li> </ul> | 20.4 feet<br>25 feet<br>7.5 feet<br>15 feet | <b>8.9 feet</b><br><b>14.9 feet</b><br>11.7 feet<br>39.2 feet | <b>No change*</b><br><b>No change*</b><br>7.7 feet<br>39.2 feet |
| Max Stories                                                                                                                                      | 2.5                                         | 1.5                                                           | 2.5                                                             |
| Max Height                                                                                                                                       | 36 feet                                     | NA                                                            | 34.6 feet                                                       |
| FAR                                                                                                                                              | .56                                         | .30                                                           | .53                                                             |
| Max Lot Coverage                                                                                                                                 | 30%                                         | 23.7%                                                         | 26.3%                                                           |
| Min. Open Space                                                                                                                                  | 50%                                         | 68%                                                           | 65%                                                             |

\*Requires relief

1. See “Zoning Relief Summary” below:

| <b>Zoning Relief Required</b> |                                                           |                        |
|-------------------------------|-----------------------------------------------------------|------------------------|
| <i>Ordinance</i>              |                                                           | <i>Action Required</i> |
| §3.2.3<br>§7.8.2.C.2          | Request to vertically extend nonconforming front setbacks | 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 vertically extend two nonconforming front setbacks (§3.2.3, §7.8.2.C.2)-as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The proposed vertical extensions of the two existing front setback nonconformities would not be substantially more detrimental than the existing nonconforming use to the neighborhood as the resulting structure would be similar in size and scale to existing 2 ½ story dwellings structures in the surrounding neighborhood (§3.2.3, §7.8.2.C.2)

PETITION NUMBER: #157-22

PETITIONER: Venkatesa Ravi

LOCATION: 4 Clarendon Street, Section 22, Block 9, Lot 1, containing approximately 5,823 square feet of land

OWNER: Venkatesa Ravi

ADDRESS OF OWNER: 4 Clarendon Street  
Newton, MA 02460

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- extend nonconforming front setbacks (§3.2.3, §7.8.2.C.2)

ZONING: Multi Residence 1 (MR1)

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, 4 Clarendon Street, Proposed Additions," prepared by Everett M. Brooks Co., dated November 17, 2021, as revised through December 22, 2021, signed and stamped by Bruce Bradford, Professional Land Surveyor on December 22, 2021
  - b. a set of architectural drawings entitled "Vaidialingam Residence, 4 Clarendon Street, Newtonville, MA 02460," Henry Finch, Architect, dated August 16, 2021, signed and stamped by Henry Finch, Registered Architect, consisting of the following sheets:
    - i. Basement Plan (A1-0)
    - ii. 1<sup>st</sup> Floor Plan (A1-1)
    - iii. 2<sup>nd</sup> Floor Plan (A1-2)
    - iv. Attic Plan (A1-3)
    - v. Roof Plan (A1-4)
    - vi. Elevation West (A2-1)
    - vii. Elevation South (A2-2)
    - viii. Elevation East (A2-3)
    - ix. Elevation North (A2-4)
    - x. Building Section Study (A3-1)
    - xi. Site Plan- Proposed (L-2)
    - xii. Proposed Foundation Plan (S-1))
  - c. A document entitled "Floor Area Worksheet- 4 Clarendon Street, Newtonville MA 02460," indicating a proposed total gross floor area of 3,129square feet and a proposed FAR of 0.527
2. 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. 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 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. 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.