



Ruthanne Fuller
Mayor

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

#351-22

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 12, 2022
Land Use Action Date: September 27, 2022
City Council Action Date: October 3, 2022
90-Day Expiration Date: October 10, 2022

DATE: July 8, 2022

TO: City Council

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

SUBJECT: **Petition #351-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an enclosed front vestibule and two-story side addition with a garage below, exceeding maximum FAR allowed and further reducing nonconforming front and rear setbacks at **4 Edgewood Road**, Ward 3, Newton, on land known as Section 44 Block 18 Lot 04 containing approximately 4389 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 1.5.3.B, 7.8.2.C.2 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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



4 Edgewood Road

EXECUTIVE SUMMARY

The subject property at 4 Edgewood Road consists of a 4,389 square foot lot on the west side of Edgewood Road at its intersection with Auburndale Avenue. Located in a Single Residence 3 (SR3) zoning district, it is improved with a two story, 26.4 foot high, 1,715 square foot single-family dwelling constructed in 1920 that includes a basement level attached garage.

The petitioners propose to construct a new enclosed front entry vestibule facing Edgewood Road and a two-story side addition and a one story attached one car garage with a deck above on the north side of the dwelling.

By adding approximately 478 square feet of floor area countable toward the property's floor area ratio (FAR), the additions would increase the property's FAR from 0.39 to 0.50, where 0.48 is the maximum allowed per Sections 3.1.3 and 3.1.9 of the Newton Zoning Ordinance (NZO), requiring a special permit per Sec. 3.1.9.A.2 to exceed maximum allowable FAR.

The proposed additions would also further reduce the property's nonconforming front and rear setbacks. The dwelling has a nonconforming front setback of 16.5 feet from Edgewood Road where 22.5 feet is required per Secs. 1.5.3.B and 3.1.3. By enclosing the existing front entry's landing, the proposed 60 square foot entry vestibule would further reduce the nonconforming setback to 10.7 feet, requiring a special permit per Section 7.8.2.C.2. It should also be noted that the proposed additions to the north side of the dwelling would be located 17 feet from the front property line.

Also, the dwelling has a nonconforming rear setback (on the west side of the dwelling) of 7.4 feet where 15 feet is required per Sec. 3.1.3. The proposed additions on the north side of the dwelling would further reduce that nonconforming rear setback slightly to 7.3 feet, requiring a special permit per Sec. 7.8.2.C.2.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- the proposed expanded structure as designed with a floor area ratio (FAR) of 0.50 where 0.39 exists and 0.48 is the maximum allowed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9.2)
- the proposed expanded structure as designed with a front setback of 10.7 feet where 16.5 feet exists and 22.5 feet is required is substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)
- the proposed expanded structure as designed with a rear setback of 7.3 feet where 7.4 feet exists and 15 feet is required is substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the west side of Edgewood Road at its intersection with Auburndale Avenue. The neighborhood is predominantly occupied by single-family

dwellings with several two-family homes are dispersed throughout (**Attachment A**). The site and surrounding area are zoned Single Residence 3 (SR3) (**Attachment B**).

B. Site

The subject property consists of a 4,389 square foot lot. The portion of the parcel in the northern third of the parcel is several feet lower than the balance of the lot, providing access to the basement level garage via a paved driveway. The remaining portions of the site feature lawn area and shrubs or trees along several property lines.

III. PROJECT DESCRIPTION AND ANALYSIS

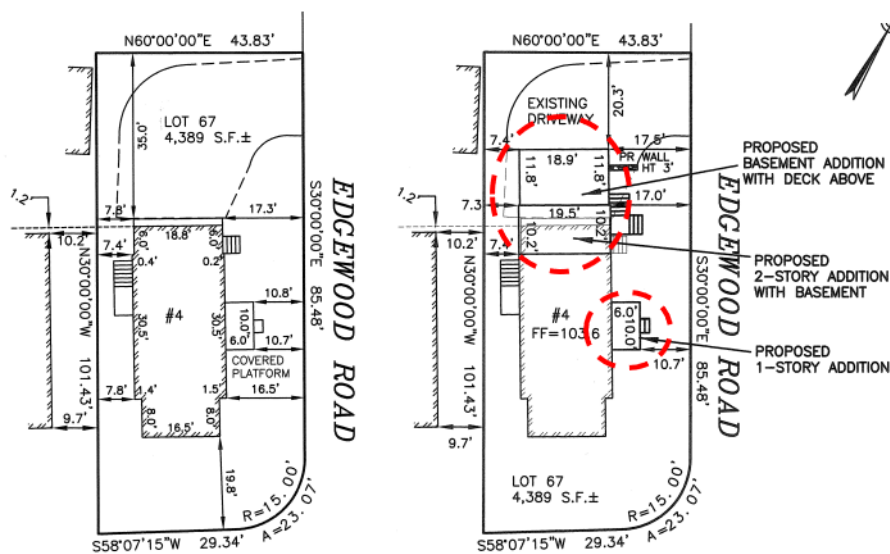
A. Land Use

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

B. Building and Site Design

The property is currently improved with a two story, 26.4 foot high, 1,715 square foot single-family dwelling with a basement level attached garage. The petitioners propose to construct a new enclosed front entry vestibule facing Edgewood Road and a two-story side addition and a one story attached one car basement level garage with a deck above on the north side of the dwelling. By adding approximately 478 square feet of floor area countable to the dwelling, the proposed additions would increase the property's floor area ratio (FAR) from 0.39 to 0.50, where 0.48 is the maximum allowed by right.

There would be no change to the number of stories (2). While the addition would be no higher than the existing structure, the dwelling's measured height would increase slightly from 26.4 to 27.2 feet as a result of changes to the average grade plane (36 feet is the maximum allowed height as of right in the SR3 zone).



AUBURDALE AVENUE AUBURDALE AVENUE
Existing and Proposed site plans (location of proposed additions indicated)

Regarding setbacks, the already nonconforming front setback along Edgewood Road would be reduced further from 16.6 to 10.7 feet where 22.5 feet is the minimum setback required by the averaging of those of nearby structures. The existing front setback along Auburndale Avenue would remain unchanged at 19.8 feet where 25 feet is the minimum allowed by right per the NZO. The proposed additions to the northern portion of the dwelling would reduce the sole side (north) setback to from 35 to 20.3 feet, remaining well in excess of the required 7.5 feet. They would decrease the existing rear setback very slightly, 0.1 feet, from 7.4 to 7.3 feet where 15 feet is required.

The lot coverage would be increased from 21.1% to 27.5%, remaining below the maximum allowed 30%. As the proposed additions would be located largely on existing driveway area, and some paved area at the rear of the structure would be removed, the open space measurement would increase slightly from 55% to 56%, remaining above the required minimum of 50%. The amount of impermeable area of the parcel would decrease by approx. 70 square feet.

C. Parking and Circulation

The proposed additions that include the one-car garage would be located largely on existing driveway on the northern portion of the lot. Vehicles entering the property would continue to do so via the existing curb cut off Edgewood Road.

D. Landscaping

A landscaping plan was not submitted with this petition. The Planning Department recommends that the petitioner take steps to preserve trees in portions of the site that would be affected by the proposed construction and to maintain/install vegetation that provides screening of the proposed north additions from adjoining 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 FAR (§3.1.3, §3.1.9)
 - further reduce a nonconforming front setback (§1.5.3.B, §3.1.3, §7.8.2.C.2)
 - further reduce the nonconforming rear setback (§3.1.3, §7.8.2.C.2)

B. Engineering Review

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

C. Historic Review

On January 26, 2022, Newton Historic Commission staff found the structure not historically significant and required no further review of the proposed work.

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

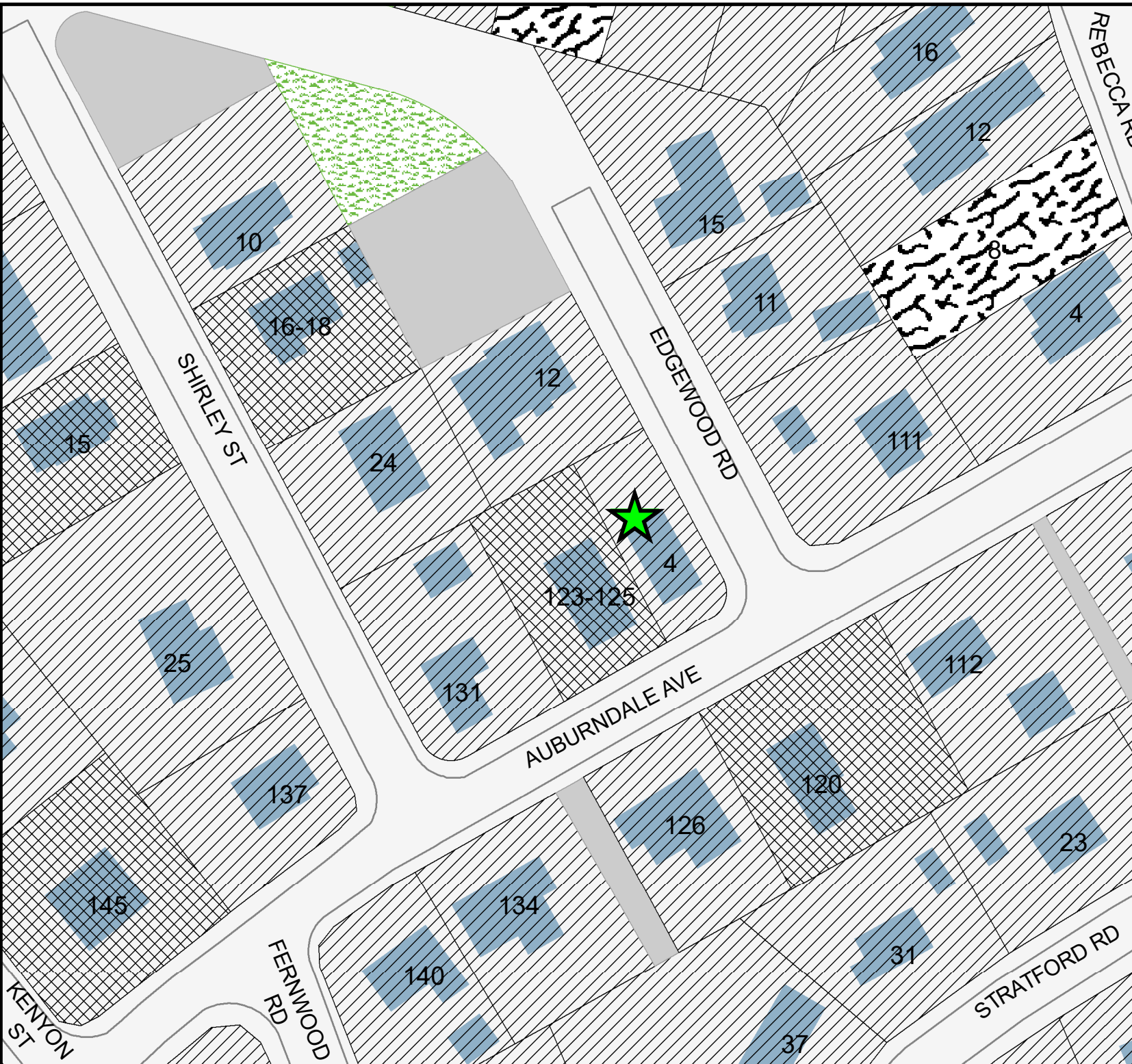
4 Edgewood Road

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  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: June 29, 2022




ATTACHMENT B

Zoning

4 Edgewood Road

*City of Newton,
Massachusetts*

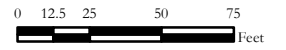


-  Single Residence 3
-  Multi-Residence 1
-  Public Use



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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Map Date: June 29, 2022



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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 31, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Carmine Senatore, Applicant
Michael Huller, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to exceed FAR and to further extend nonconforming front and rear setbacks

Applicant: Carmine Senatore

Site: 4 Edgewood Road	SBL: 44018 0004
Zoning: SR3	Lot Area: 4,389 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 4 Edgewood Road consists of a 4,389 square foot corner lot improved with a single-family dwelling constructed in 1920. The petitioners propose to construct an enclosed front entry vestibule and a two-story side addition with a garage below. The proposed additions will exceed the maximum FAR and will further reduce the nonconforming front and rear setbacks, requiring a special permit.

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

- Zoning Review Application, prepared by Michael Huller, submitted 4/13/2022
- Existing Conditions Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 12/9/2020
- Proposed Conditions Plan, signed and stamped by Bruce Bradford, surveyor, dated 1/13/2022
- Plans and elevations, prepared by Michael Huller, architect, dated submitted 4/13/2022
- FAR calculation, prepared by Michael Huller, architect, dated submitted 4/13/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to construct a new front entry vestibule, a two-story side addition and a one story attached one car garage. The proposed additions increase the FAR from .39 to .50 where .48 is the maximum allowed. A special permit per sections 3.1.3 and 3.1.9 is required.
2. The dwelling has a nonconforming front setback of 16.5 feet from Edgewood Road where 22.5 feet is required per sections 1.5.3.B and 3.1.3. The petitioner proposes to construct a 60 square foot enclosed entry vestibule in the footprint of an existing landing as well as a two-story side addition, further reducing the nonconforming setback to 10.7 feet, requiring a special permit per section 7.8.2.C.2.
3. The dwelling has a nonconforming rear setback of 7.4 feet where 15 feet is required per section 3.1.3. The petitioner proposes to construct a two-story side addition which further reduces the nonconforming rear setback to 7.3 feet, requiring a special permit per section 7.8.2.C.2.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	4,389 square feet	No change
Frontage	80 feet	85 feet	No change
Setbacks			
• Front (Edgewood Rd)	22.5 feet	16.5 feet	10.7 feet*
• Front (Auburndale Ave)	25 feet	19.8 feet	No change
• Side	7.5 feet	35 feet	20.3 feet
• Rear	15 feet	7.4 feet	7.3 feet*
Max Number of Stories	2.5	2	No change
Max Height	36 feet	26.4 feet	27.2 feet
FAR	.48	.39	.50*
Max Lot Coverage	30%	21.1%	27.5%
Min. Open Space	50%	55%	56%

*Requires relief

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9	To exceed FAR	S.P. per §7.3.3
§1.5.3.B §3.1.3 §7.8.2.C.2	To further reduce a nonconforming front setback	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	To further reduce the nonconforming rear setback	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

exceed the allowed floor area ratio (FAR) (§3.1.3, §3.1.9); further reduce a nonconforming front setback (§1.5.3.B, §3.1.3, §7.8.2.C.2); and further reduce the nonconforming rear setback (§3.1.3, §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 expanded structure as designed with a floor area ratio (FAR) of 0.50 where 0.39 exists and 0.48 is the maximum allowed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9.2)
2. the proposed expanded structure as designed with a front setback of 10.7 feet where 16.5 feet exists and 22.5 feet is required is not substantially more detrimental than the existing nonconforming use to the neighborhood is as the portion of the front setback that would measure 10.7 feet is limited to an area currently occupied by a roofed but not enclosed entry, and the proposed additions to the northern façade of the dwelling would be setback 17.0 feet from the front property line, effectively identical to the existing 17.3 feet for the main volume of the dwelling (§7.8.2.C.2)
3. the proposed expanded structure as designed with a rear setback of 7.3 feet where 7.4 feet exists and 15 feet is required is not substantially more detrimental than the existing nonconforming use to the neighborhood as the proposed additions to the northern façade of the dwelling would be setback of 7.3 feet, effectively identical to the existing 7.4 feet for the main volume of the dwelling (§7.8.2.C.2)

PETITION NUMBER: #351-22

PETITIONER: Anna and Carmine Senatore

LOCATION: 4 Edgewood Road, Section 44, Block 18 Lot 4, containing approximately 4,389 square feet of land

OWNER: Anna and Carmine Senatore

ADDRESS OF OWNER: 4 Edgewood Road
Newton, MA 02465

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- exceed allowed floor area ratio (FAR) (§3.1.3, §3.1.9)
- further reduce a nonconforming front setback (§1.5.3.B, §3.1.3, §7.8.2.C.2)
- further reduce the nonconforming rear setback (§3.1.3, §7.8.2.C.2)

ZONING: Single Residence 3 (SR3)

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 Edgewood Road, Proposed Additions," dated January 13, 2022, prepared by Everett M. Brooks Co., stamped and signed by Bruce Bradford, Professional Land Surveyor on January 13, 2022
 - b. a set of architectural drawings entitled "Senatore Residence, 4 Edgewood Road, Newton MA," prepared Michael Huller Architects, dated January 8, 2022, consisting of the following sheets:
 - i. Basement Plan
 - ii. first floor plan (unlabeled)
 - iii. Second Floor Plan
 - iv. Front Elevation
 - v. Left Elevation
 - vi. Rear Elevation
 - vii. Right Elevation
 - c. A document entitled "Floor Area Worksheet- 4 Edgewood Road, Newton MA," indicating a proposed total gross floor area of 2,193 square feet and a proposed FAR (floor area ratio) of 0.499

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. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. 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.
 - e. 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. 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.