



#390-22

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089

www.newtonma.gov

City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 13, 2022
Land Use Action Date:	November 22, 2022
City Council Action Date:	December 5, 2022
90-Day Expiration Date:	December 12, 2022

DATE: September 9, 2022

TO: City Council

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

SUBJECT: **Petition #390-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to raze and replace a one-story sunroom with a 2.5-story addition, as well as raze and replace an enlarged detached garage, exceeding allowable FAR, further reducing nonconforming open space, and to allow dormers exceeding 50% of the width of the wall next below at 58 Valentine Park, Ward 3, Newton, on land known as Section 32 Block 40 Lot 04 containing approximately 12,025 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, 1.5.4.G.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 which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



58 Valentine Park

EXECUTIVE SUMMARY

The subject property located at 58 Valentine Park consists of 12,025 square feet of land. The property is located within the Single Residence 1 (the "SR-1") zone in West Newton. The site is improved with a single-family dwelling constructed circa 1924 and a detached garage. The petitioner proposes to raze the detached garage, and a one-story sunroom in order to construct a new detached garage, and a 2.5 story addition. The petitioner also proposes to reconstruct dormers on three of the elevations of the single family home. The proposed dormers exceed 50% of the wall planes below the dormers. The proposed garage and addition increase the site's floor area ratio ("FAR") and the dormers exceed the dimensional standards set forth for dormers that require they be no wider in total than 50% of the wall plane below. The additional floor area which exceeds the maximum allowed FAR and oversized dormers require a special permit.

The Planning Department notes that while the project increases the site's FAR and further reduces the nonconforming open space by 5%, the proposed garage eliminates a nonconforming side setback for an accessory structure. The addition to the principal structure expands the footprint towards the southern property line by about two feet, while the garage's footprint is proposed to expand by 222 square feet. The locations of the proposed addition and garage replace an existing sunroom and detached garage. Each of the dormers proposed which exceed the 50% of the wall plane below replace an existing similar dormer in size and width. For these reasons, the Planning Department is unconcerned with the project that requires special permit relief.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the addition to the single family dwelling and proposed detached garage which increases the FAR. (§7.3.3.C.1, §3.1.3, §3.1.9).
- The specific site is an appropriate location for the dormers which exceed 50% of the wall plane below. (§7.3.3.C.1, §1.5.4.G.2.b).
- The proposed addition to the single-family dwelling, detached garage and oversized dormers will not adversely affect the neighborhood. (§7.3.3.C.2, §3.1.3, §3.1.9).
- There will not be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3, §3.1.3, §3.1.9).
- Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §3.1.3, §3.1.9).
- The proposed increase in FAR from .32 to .33, where .42 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. (§3.1.3 §3.1.9 §7.3.3)

- The proposed reduction of the nonconforming open space will be substantially more detrimental than the existing nonconforming open space is to the neighborhood (§3.1.3, §3.1.9, §7.8.2.C.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

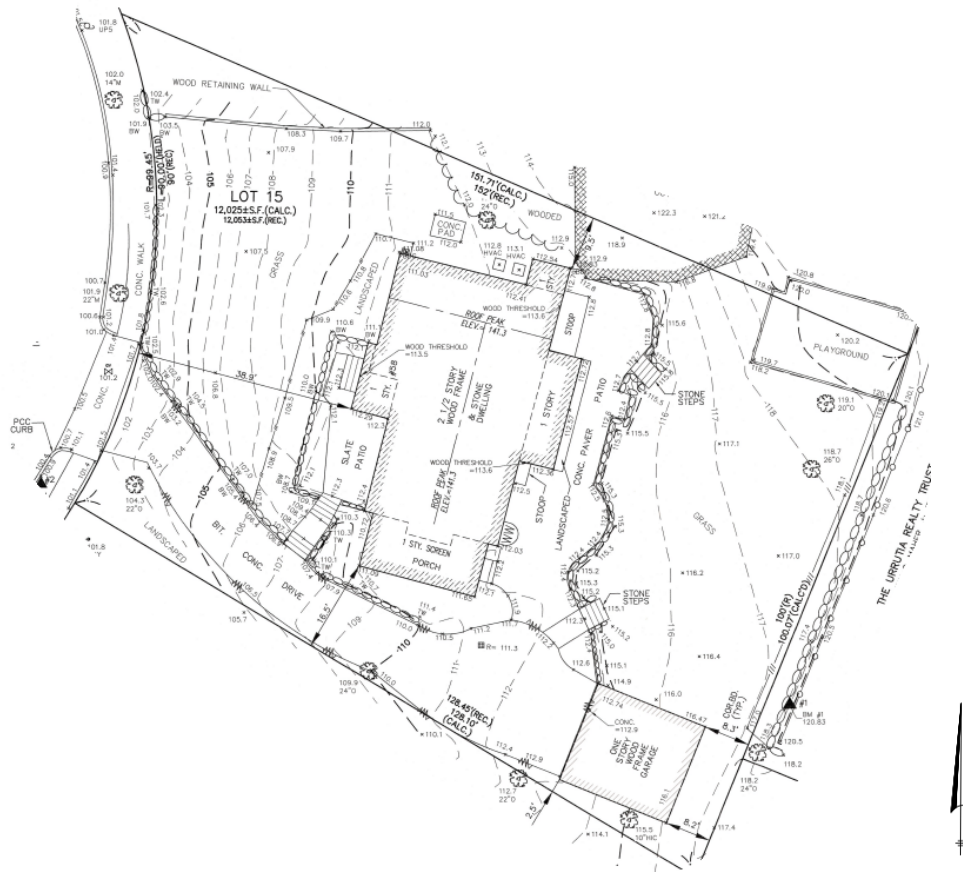
A. Neighborhood and Zoning

The subject property is located on Valentine Park in West Newton in the SR-1 zone. The area is comprised of single residence zones (SR-1 and SR-2) with single family uses withing the entirety of the surrounding neighborhood (**ATTACHMENTS A AND B**).

B. Site

The site consists of 10,242 square feet of land improved with a single-family dwelling constructed circa 1924 and a detached garage with nonconforming setbacks at the southeastern corner of the site. The site is currently accessed by a single curb cut with a driveway along the southern (right) property line which leads to a detached garage. The site has a nonconforming open space of 59.8%, where 65% is required for the SR-1 zone. The site has an upwards slope from the front to the rear of the lot with retaining walls to accommodate the driveway and a retaining wall at the rear of the house to allow for a patio.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

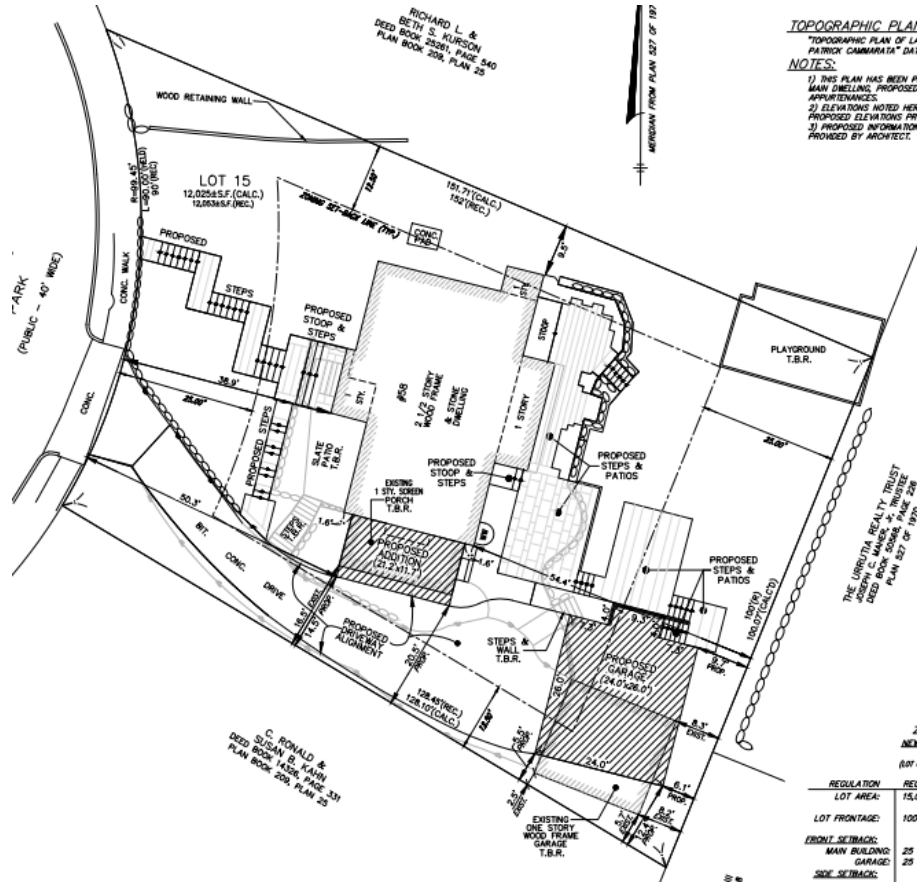
A. Land Use

If approved, the use will remain single-family residential.

B. Site and Building Design

The petitioner proposes to raze the detached garage and eliminate a single-story sunroom on the right side of the single-family dwelling. The petitioner proposes to construct a new detached garage and 2.5 story addition to the single family dwelling. The proposed garage and addition exceed the maximum allowed FAR and further reduce the site's already nonconforming open space, requiring a special permit.

Proposed Site Plan



As proposed, a 661 square feet detached garage will replace the existing 437 square foot detached garage in the same location at the rear southeast (right) corner of the site. The proposed detached garage will have parking for two cars at the ground level with 383 square feet of floor area above the first story. The floorplans for the half story above the garage show living area and a bathroom. The proposed garage will eliminate a nonconforming side setback of 2.5 feet from the southern (right) property line and will comply with the five-foot required setbacks for an accessory structure.

The petitioners propose to construct a 2.5 story addition in place of an existing sunroom along the right side of the single-family dwelling. The addition adds a total of 475 square feet to the dwelling across 2.5 stories and extends toward the southern property line by two feet. The petitioners are also proposing to reconstruct the dormers on the front, north side, and rear elevations of the dwelling. The front elevation currently features two gabled dormers which will be replaced by two shed dormers, similar in size and width of the existing dormers. The dormer on the rear

elevation is currently a wider gabled dormer, proposed to be replaced by a shed dormer of similar width. The north side elevation dormer will also be replaced by a shed dormer. The proposed dormers on the three elevations exceed the 50% of the wall plane below, requiring a special permit.

Existing
 Front Elevation



EXISTING
 MAIN HOUSE
 FRONT ELEVATION
 Scale: 1/8" = 1'-0"

Proposed
 Front Elevation



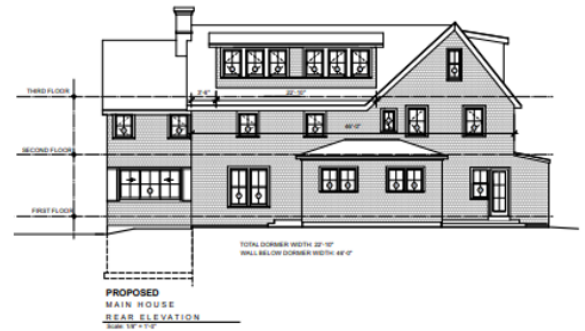
PROPOSED
 MAIN HOUSE

Existing
 Rear Elevation



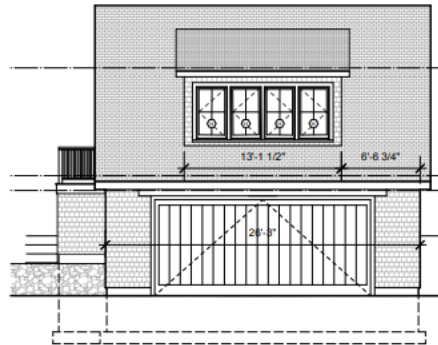
EXISTING
 MAIN HOUSE
 REAR ELEVATION
 Scale: 1/8" = 1'-0"

Proposed
 Rear Elevation



PROPOSED
 MAIN HOUSE
 REAR ELEVATION
 Scale: 1/8" = 1'-0"

Proposed Front Elevation - Garage



As proposed, the additions and garage would exceed the maximum allowed as of right FAR of .33 in the SR-1 zoning district for this site. The addition increases the FAR from .32 to .42, which translates to an existing floor area calculation of 3,839 square feet to a proposed floor area of 5,077 square feet. The maximum as of right floor area of .33 is 3,968 square feet.

The addition and proposed garage expand the footprint of both structures on site, resulting in a decrease in the site's already nonconforming open space. The open space would result in a decrease from 59.8% to 54.1%, where 65% is the minimum required for the SR-1 zone. The petitioner is also proposing additional patio space in the rear yard, and stairs in the front yard, which do not impact the site's open space.

The Planning Department notes that while the project increases the site's FAR and further reduces the nonconforming open space by 5%, the proposed garage eliminates a nonconforming side setback for an accessory structure. The addition to the principal structure expands the footprint towards the southern property line by about two feet, while the garage's footprint is proposed expand 222 square feet. The locations of the proposed addition and garage replace an existing sunroom and detached garage. Each of the dormers proposed which exceed the 50% of the wall plane below replace an existing similar dormer in size and width.

C. Parking and Circulation

The petitioners are proposing to replace a 374 square foot garage with a 661 square foot detached garage in the rear southeast (right) corner of the lot. With the proposed garage with expanded footprint, the petitioners propose to realign the driveway.

D. Landscaping

A landscape plan is not required with this petition; however, the petitioner submitted a landscape plan showing screening around the proposed detached garage at the southeast corner of the site as well as additional landscaping in the front yard.

Proposed Landscape Plan



IV. TECHNICAL REVIEW

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

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

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further reduce nonconforming open space	S.P. per §7.3.3
§1.5.4.G.2.b	Request to allow dormers exceeding 50% of the width of the wall next below	S.P. per §7.3.3

B. Engineering Review

The size and increase in impervious area 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 for the stormwater management system prior to the issuance of a temporary certificate of occupancy, should this petition be approved.

C. Newton Historical Commission

The Chief Preservation Planner found the detached garage not historically significant and the single-family dwelling historically significant in February 2022. Should this special permit be approved, review by Historic will be required at the building permit.

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 Council Order



ATTACHMENT A

Zoning

58 Valentine Park

*City of Newton,
Massachusetts*

Zoning

-  Single Residence 1
-  Single Residence 2

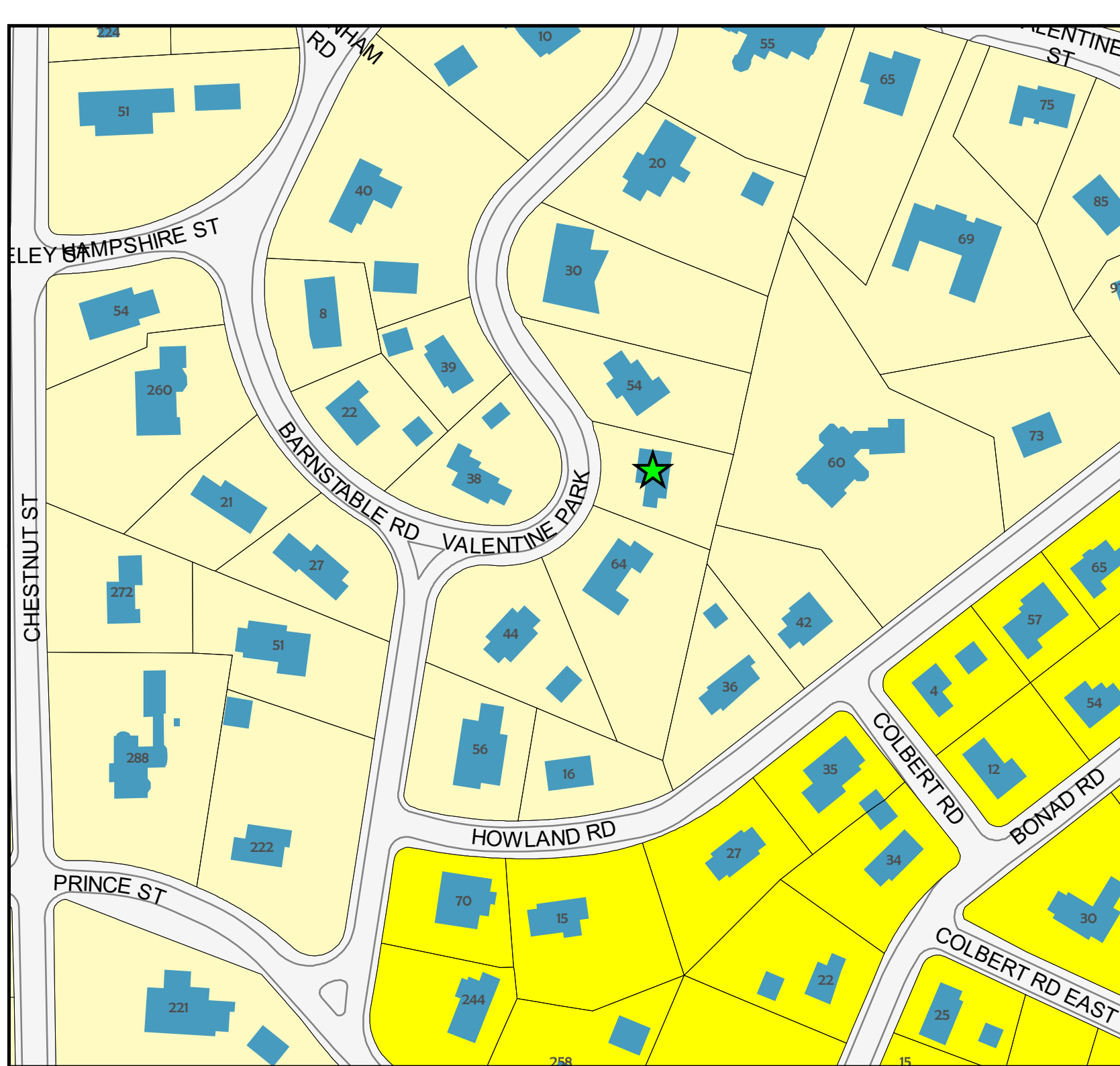


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

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

0 12.5 25 50 75 100 125 150 175 Feet

Map Date: August 11, 2022



ATTACHMENT B


Land Use

58 Valentine Park

*City of Newton,
Massachusetts*

Land Use

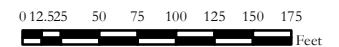
Land Use

 Single Family Residential



The information on this map is from the 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: August 11, 2022





Ruthanne Fuller
Mayor

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

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

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 23, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Laurance Lee, Attorney
Patrick and Sarah Cammarata, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to exceed FAR and to further reduce nonconforming open space

Applicant: Patrick and Sarah Cammarata

Site: 58 Valentine Park	SBL: 32040 0004
Zoning: SR1	Lot Area: 12,025 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 58 Valentine Park consists of a 10,242 square foot lot improved with a single-family dwelling constructed circa 1924 and a detached garage. The petitioner proposes to raze a one-story sunroom and construct a 2.5-story side addition in its place, as well as to raze and build an enlarged detached garage. The proposed construction requires a special permit to exceed FAR and further reduce nonconforming open space.

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

- Zoning Review Application, prepared Laurance Lee, attorney, dated 5/24/2022
- Topographic Plan of Land, signed and stamped by Joseph M. Small, surveyor, dated 11/23/2020
- Proposed Plot Plan of Land, signed and stamped by Joseph M. Small, surveyor, dated 5/9/2022, revised 5/13/2022
- Floor Plans and Elevations, prepared by Noury-Ello Architects, dated 5/13/2022

ADMINISTRATIVE DETERMINATIONS:

1. The applicants propose to raze the 374 square foot detached garage and construct a new 661 square foot garage, as well as removing a one-story side sunroom and constructing a two-story addition in the same location, slightly expanding the footprint. The proposed additions increase the FAR from .32 to .42 where .32 is the maximum allowed. A special permit per sections 3.1.3 and 3.1.9 is required to exceed maximum FAR.
2. The property has an existing nonconforming open space of 59.8% where 65% is required per section 3.1.3. The proposed construction further reduces the open space to 54.1% requiring a special permit per section 7.8.2.C.2.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	12,025 square feet	No change
Frontage	100 feet	90 feet	No change
Setbacks (Principal) <ul style="list-style-type: none"> • Front • Side • Side • Rear 	25 feet 12.5 feet 12.5 feet 25 feet	38.9 feet 9.5 feet 16.5 feet 54.4 feet	No change No change 14.5 feet No change
Setbacks (Accessory) <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 5 feet 5 feet	>75 feet 2.5 feet 8.2 feet	>75 feet 5.5 feet 6.1 feet
Height <ul style="list-style-type: none"> • Principal • Accessory 	36 feet 22 feet	29.5 feet NA	No change 21.8 feet
Stories <ul style="list-style-type: none"> • Principal • Accessory 	2.5 1.5	2.5 NA	No change 1.5
FAR	.33	.32	.42*
Max Lot Coverage	20%	16.9%	19.6%
Min. Open Space	65%	59.8%	54.1%*

*Requires relief

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further reduce nonconforming open space	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 FAR by constructing a two and a half story addition and detached garage, and to allow dormers which exceed 50% of the wall plane below as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the addition to the single family dwelling and detached garage which increases the FAR because it is subordinate to the existing structure and the garage eliminates existing nonconforming setbacks. (§7.3.3.C.1, §3.1.3, §3.1.9).
2. The specific site is an appropriate location for the dormers which exceed 50% of the wall plane below because the dormers on the three elevations replace existing similarly sized dormers. (§7.3.3.C.1, §1.5.4.G.2.b).
3. The proposed addition to the single-family dwelling and detached garage which increases the FAR and oversized dormers will not adversely affect the neighborhood because the addition is subordinate to the structure and the proposed garage is in the same location as an existing garage to be removed. (§7.3.3.C.2, §3.1.3, §3.1.9).
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, §3.1.3, §3.1.9).
5. Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §3.1.3, §3.1.9).
6. The proposed increase in FAR from .32 to .33, where .42 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 because the additional floor area is divided between two structures, a two and a half story addition to the single family dwelling and a detached garage. (§3.1.3 §3.1.9 §7.3.3)
7. The proposed reduction of the nonconforming open space will not be substantially more detrimental than the existing nonconforming open space is to the neighborhood because the additional building area that further reduces the open space is divided between two structures, and the expanded driveway will align with the detached garage that eliminates a nonconforming setback (§3.1.3, §7.8.2.C.2).

PETITION NUMBER: #390-22

PETITIONER: Sarah & Patrick Cammarata

LOCATION: 58 Valentine Park, on land known as Section 32, Block 40, Lot 4, containing approximately 12,025 square feet of land

OWNER: Sarah & Patrick Cammarata

ADDRESS OF OWNER: 58 Valentine Park
Newton, MA 02465

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.13, 3.1.9, 7.3.3 to exceed the FAR, to allow dormers which exceed 50% of the wall plane below §1.5.4.G.2.b, and §3.13, §7.8.2.C.2 to further reduce the nonconforming open space

ZONING: Single Residence 1

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. Proposed Plot Plan, 58 Valentine , prepared by Scott Cerrato, signed and stamped by Joseph M. Small, Professional Land Surveyor, dated May 9, 2022, revised May 13, 2022
 - b. Zoning Permit Architectural Plans and Elevations, prepared by Noury Ello Architects, unsigned and unstamped, dated May 13, 2022 consisting of three (3) sheets.
 - i. Proposed Exterior Elevations, showing Front and Rear elevations, Z1.3
 - ii. Proposed Exterior Elevations, showing North and South elevations, Z1.4
 - iii. Proposed Garage Elevations, Z1.5
 - c. Landscape Plan, prepared by Leblanc Jones Landscape Architects, Inc. dated July 7, 2022
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 Planning and Development, and the Engineering Division of Public Works.

3. The Petitioner shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit. Copies of such approvals shall be provided to the Department of Planning and Development.
 - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.
4. Prior to the issuance of any occupancy certificates for the Project, 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 building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - 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.
6. No Final Inspection/Occupancy Permit for the use 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 statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built FAR.
 - 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. Provided a recorded copy of the O&M Plan in accordance with Condition #4 above, should a system be required.