



#419-22

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 6, 2022
Land Use Action Date: December 27, 2022
City Council Action Date: January 2, 2023
90- Day Expiration Date: January 4, 2023

DATE: September 30, 2022

TO: City Council

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

SUBJECT: **Petition #419-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct two-story additions to the front and rear of the dwelling further reducing and vertically extending the nonconforming front setbacks at 148 Auburndale Avenue, Ward 3, Newton, on land known as Section 33 Block 18 lot 03, containing approximately 6,616 sq. ft. in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.3, 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.



148 Auburndale Ave

EXECUTIVE SUMMARY

The property located at 148 Auburndale Ave consists of a 6,616 square foot corner lot in the Single Residence 3 (SR-3) zone in West Newton. The site has frontage on both Auburndale Avenue and Fernwood Road. The lot is improved with a single-family residence constructed circa 1920. The petitioners propose to construct two-story additions to both fronts and the rear of the dwelling. There are two additions to the front of the dwelling, one which expands the footprint by less than five feet and an addition above the first story within the footprint of the dwelling. The additions along Auburndale and Fernwood vertically extend both nonconforming front setbacks, requiring a special permit. The additions further reduce the nonconforming front setback on Fernwood Road from 16.6 feet to 12.3 feet and maintains the front setback from Auburndale Avenue.

As designed, the proposed additions meet all other dimensional standards for a principal structure in the SR-3 district. The additions add approximately 800 square feet to the dwelling and remain under the as of right floor area ratio (FAR) of .48. The additions which extend the nonconforming front setbacks from both Auburndale Avenue and Fernwood Road expand the dwelling's footprint by less than five feet and adds floor area within the footprint of the structure. Due to this, the Planning Department is unconcerned with the addition that further extends the nonconforming front setback from Auburndale Ave and reduces the nonconforming front setback from Fernwood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The proposed addition that would further extend the nonconforming front setback on Auburndale Avenue is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)
- The proposed addition that would further extend the nonconforming front setback on Fernwood Road is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)

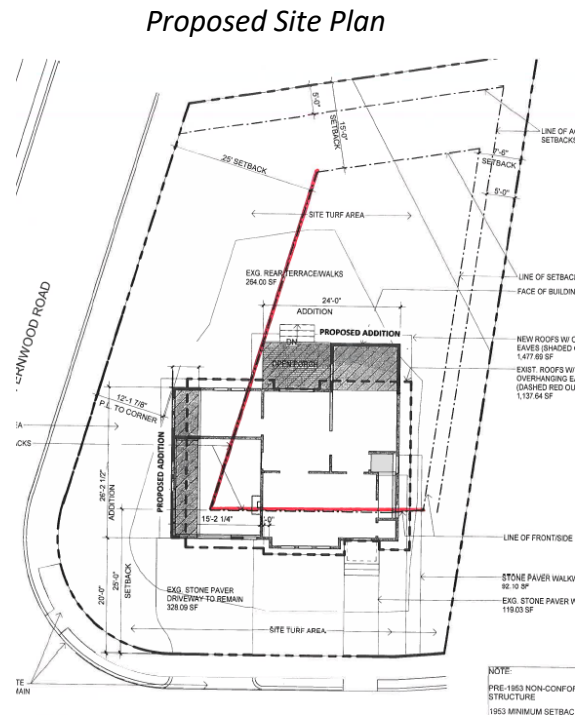
II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the corner of Auburndale Ave and Fernwood Road in West Newton in the SR-3 zone. The SR-3 zone encompasses the surrounding area and neighborhoods (**Attachment A**). The land use of the properties in the neighborhood are predominantly single family residential. (**Attachment B**).

B. Site

The site consists of 6,616 square feet of land and is improved with a two-story single-family dwelling. The property has frontage on both Auburndale Avenue and Fernwood Road. Both front setbacks on the lot are nonconforming, with a 20-foot setback on Auburndale Ave and 16.6-foot setback on Fernwood Road, where 25 feet is required. The lot is served by one curb cut on Auburndale Avenue leading to an attached garage.



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building and Site Design

The petitioners propose to construct two-story additions to the front and rear of the dwelling. This includes enlarging the existing garage, adding a porch in the rear, and constructing a second story addition above with bedroom, laundry, and bathroom space.

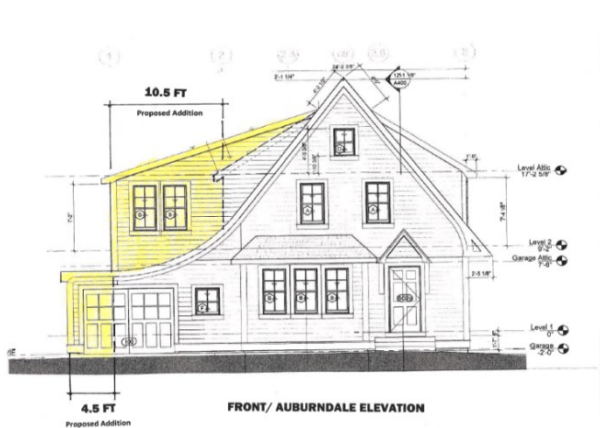
Because the property is on a corner lot, it is subject to two front setbacks. The proposed additions would further reduce the nonconforming Fernwood Road setback to 12.3 feet

and maintain the existing 20-foot front setback on Auburndale Ave, where a 25-foot setback is required by right.

In total, the proposed construction will add approximately 800 square feet of floor area to the existing structure, with the floor area ratio increasing from .24 to .36, where .48 is the maximum allowed by right in the SR-3 zone. The impervious area of the site is increasing by approximately 220 square feet.

The Planning Department is unconcerned with the proposed addition that further reduce and vertically extend the nonconforming front setbacks. The front setback on Auburndale Ave will remain the same, so the impact on that side will be minimal. The addition that reduces the nonconforming front setback expands the footprint by less than five feet and adds most of the floor area subject to the special permit within the footprint of the structure. Because the property is located on a corner lot, the options for alternative configurations for the addition are constrained. The addition also meets all other dimensional standards.

Proposed Front Elevation (Auburndale Ave)



Proposed Front Elevation (Fernwood Rd.)



C. Parking and Circulation

The site is accessed by a curb cut on Auburndale Avenue leading to an existing attached garage. The existing stone driveway pavers will remain.

The petitioners are proposing to expand the garage by approximately five feet. With the proposed additions, the garage area would increase from 205 square feet to 285 square feet.

D. Landscaping

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 completed Zoning Review Memorandum, the petitioner is seeking the following relief:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	To further reduce and vertically extend nonconforming front setbacks	S.P. per §7.3.3

B. Engineering Review

This petition will be reviewed by Engineering at the building permit stage.

C. Historic Preservation Review

The Chief Preservation Planner found that this building is not historically significant on June 1, 2022, and that no further review is required.

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

148 Auburndale Ave

*City of Newton,
Massachusetts*

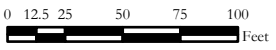
Zoning

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



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: September 28, 2022



ATTACHMENT B





Land Use

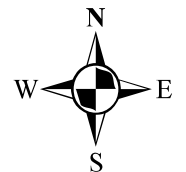
148 Auburndale Ave

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land



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CITY OF NEWTON, MASSACHUSETTS
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 26, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Christopher and Gretchen Rutan, Applicant
Daniel Raih, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to extend nonconforming front setbacks

Applicants: Christopher and Gretchen Rutan

Site: 148 Auburndale Avenue	SBL: 33018 0003
Zoning: SR3	Lot Area: 6,616 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 148 Auburndale Avenue consists of a 6,616 square foot corner lot improved with a single-family dwelling constructed in 1920. The petitioners propose to construct two-story additions to the front and rear of the dwelling. The proposed additions will further extend the nonconforming front 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 Daniel Raih, architect, submitted 7/18/2022
- Proposed Additions Plan, signed and stamped by Stephen E. Davis, surveyor, dated 8/24/2021, revised 6/28/2022
- Proposed Site Plan, submitted 7/18/2022
- Plans and elevations, submitted 7/18/2022
- FAR calculation, submitted 7/18/2022
- Zoning Summary + Calculations, submitted 7/18/2022

ADMINISTRATIVE DETERMINATIONS:

- The dwelling has nonconforming front setbacks of 20 feet from Auburndale Avenue and 16.6 feet from Fernwood Road where 25 feet is required per section 3.1.3. The petitioner proposes to enlarge the existing garage and construct a second story addition above. The additions further reduce the nonconforming Fernwood Road setback to 12.3 feet and vertically extend both nonconforming front setbacks. The proposed additions require a special permit per section 7.8.2.C.2 to extend both nonconforming front setbacks.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	6,616 square feet	No change
Frontage	80 feet	158 feet	No change
Setbacks <ul style="list-style-type: none"> • Front (Auburndale Ave) • Front (Fernwood Rd) • Side • Rear 	25 feet 25 feet 7.5 feet 15 feet	20 feet 16.6 feet 10.1 feet 48.5 feet	No change* 12.3 feet* No change 42.1 feet
Max Number of Stories	2.5	2	2.5
Max Height	36 feet	29.5 feet	No change
FAR	.48	.24	.36
Max Lot Coverage	30%	14.4%	17.4%
Min. Open Space	50%	78%	73%

*Requires relief

- See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	To further reduce and vertically extend nonconforming front setbacks	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 further extend the nonconforming front setback from Auburndale Avenue and reduce the nonconforming setback from Fernwood Road as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed addition that would further extend the nonconforming front setback on Auburndale Avenue is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the setback is being maintained at 20 feet. (§3.1.3 and §7.8.2.C.2)
2. The proposed addition that would vertically extend and reduce the nonconforming front setback on Fernwood Road is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition expands the footprint by less than five feet and the additional massing that extends the setback is located within the footprint of the structure. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #419-22

PETITIONER: Daniel J. Raih

LOCATION: 148 Auburndale Avenue, on land known as Section 33,
Block 1, Lot 3, containing approximately 6,616 square feet

OWNER: Christopher Rutan

ADDRESS OF OWNER: 148 Auburndale Avenue
Newton, MA 02465

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend the nonconforming front setbacks

ZONING: Single Residence 3 district

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 Addition Plan, signed and stamped by Stephen Davis, Professional Land Surveyor, dated August 24, 2021 and revised 6/28/2022 and 8/5/2022
 - b. Proposed Site Plan, submitted August 5, 2022
 - c. Proposed Elevations, submitted August 5, 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, Department of Inspectional Services and the Engineering Division of Public Works.
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 board 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 board 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. 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 a statement by professional land surveyor and 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 professional land surveyor.