



#502-22

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 Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: November 22, 2022
Land Use Action Date: February 14, 2023
City Council Action Date: February 20, 2023
90-Day Expiration Date: February 20, 2023

DATE: November 18, 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 #502-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL make additions to the first and second stories exceeding the FAR and to allow oversized dormers at 270 Auburndale Avenue, Newton, Ward 4, on land known as Section 44 Block 29 Lot 13, containing approximately 5,722 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.3, 3.1.9, 1.5.4.G.2.b, 1.5.4.G.2.c 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.



270 Auburndale Ave

EXECUTIVE SUMMARY

The property located at 270 Auburndale Avenue contains a 5,722 square foot lot in the Single Residence 3 ("SR-3") zone in Auburndale. The lot is improved with a single-family residence constructed in 1900 and a detached garage constructed in 1927. The petitioners are seeking to construct additions to the dwelling as well as dormers that need relief for being oversized and within three feet of the vertical wall plane. The additions and the dormers also require a special permit to exceed the floor area ratio ("FAR"). In total, the additions and dormers add approximately 1,014 square feet of floor area to the dwelling.

Most of the additional floor area is within the footprint of the dwelling, except for a proposed 80 square foot enclosed porch. Many of the dwellings in the neighborhood also appear to be on undersized lots and of a similar scale to 270 Auburndale Avenue, however few have dormers along the side elevations. The lot size, which is part of the FAR calculation, is undersized at 5,722 square feet where 7,000 is required for the SR-3 zone.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed additions and oversized dormers which exceed the maximum allowed floor area ratio. (§7.3.3.C.1)
- The proposed additions and oversized dormers which exceed the maximum allowed floor area ratio will adversely affect the neighborhood. (§7.3.3.C.2)
- The additions and oversized dormers which exceed the maximum allowed floor area ratio will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The proposed increase in the FAR from .41 to .58 where .46 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

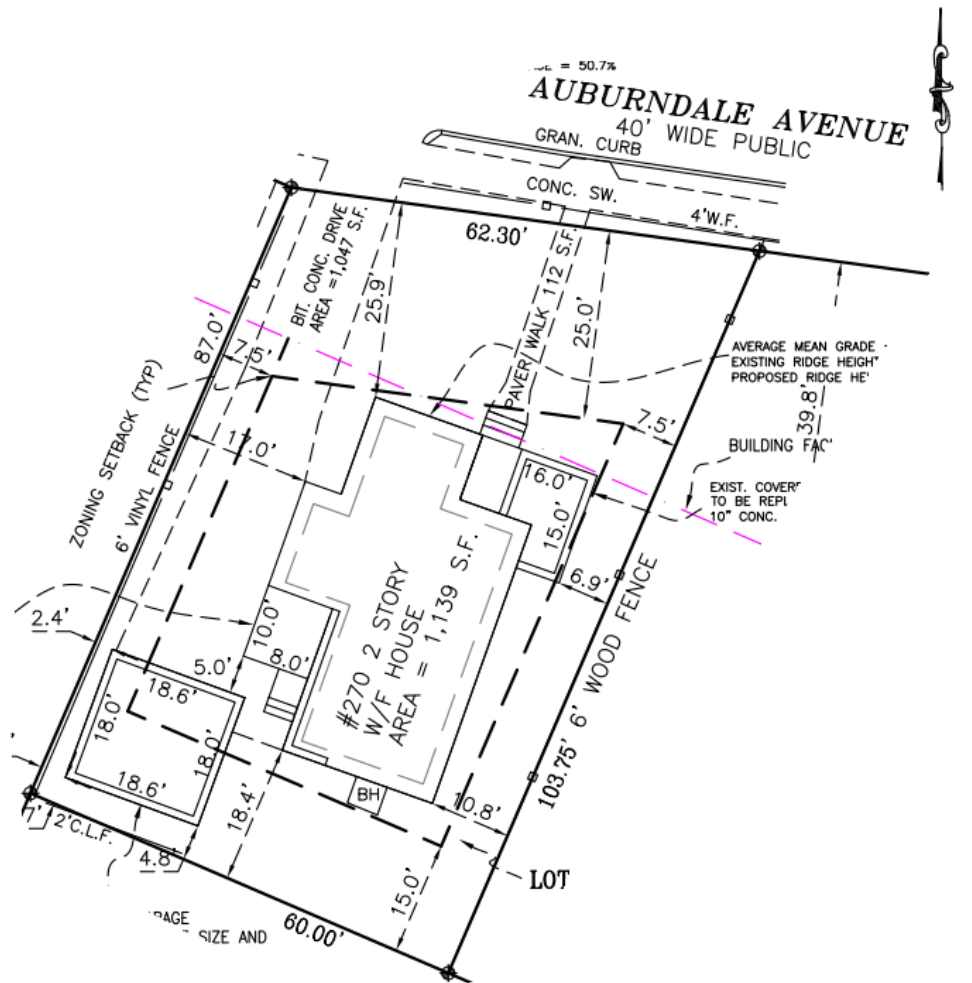
A. Neighborhood and Zoning

The subject property is located on Auburndale Avenue in the SR-3 zone in Auburndale. The surrounding neighborhoods are entirely within the SR-3 zone and consist of a mix of single-family and two-family residential uses (**Attachments A & B**).

B. Site

The site consists of 5,722 square feet of land and is improved with a single-family residence and detached garage, both constructed in the earlier twentieth century. The garage has nonconforming setbacks from the side and rear property lines at the southwest corner of the site. Access to the site is provided from the northwest corner of the site with a driveway that runs along the western property line.

Proposed Site Plan



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain single-family.

B. Site and Building Design

The petitioner is seeking to construct additions as well as construct dormers to the half story above the second floor. These additions require special permit relief to exceed the FAR, to allow for dormers greater than 50% of the wall plane below, and to allow for dormers within three feet of the vertical wall plane.

The additions are proposed to be constructed within an existing porch at the front of the dwelling, a new enclosed porch at the right elevation and an addition above a rear single-story addition. The first-floor additions result in an additional 207 square feet of floor area to the first story. The second story addition adds an additional 121 square feet of floor area to the second story.

Shed dormers are proposed to the half story on the eastern and western elevations (left and right). The dormer along the eastern (left) elevation of the dwelling is 87% of the wall plane below and is located within three feet of the vertical plane of the roof, both aspects of the eastern dormer require a special permit. The western dormer is considered oversized and also requires a special permit for exceeding 50% of the wall plane below and located within three feet of the vertical wall plane, also requiring a special permit.

Existing and Proposed Front Elevations



Existing



Proposed

Existing and Proposed Left Elevations



④ SIDE ELEVATION

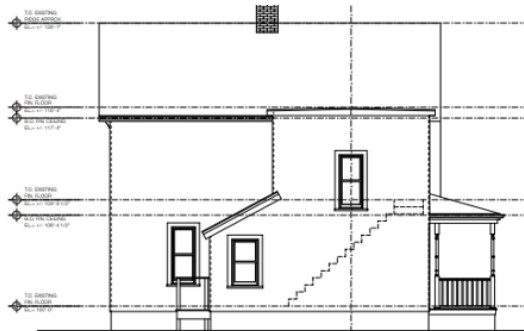
Existing Left Elevation



④ SIDE ELEVATION

Proposed Left Elevation

Existing and Proposed Rear Elevations



③ REAR ELEVATION

Existing Rear Elevation



③ REAR ELEVATION

Proposed Rear Elevation

Existing and Proposed Right Elevations



Existing Right Elevation



Proposed Right Elevation

The petitioner requires special permit relief for the oversized dormers and to exceed the FAR. The petitioners are seeking relief to increase the FAR from .41 to .58, where .46 is the maximum allowed as of right. In total, the additions add approximately 1,014 square feet of floor area to the dwelling across three floors. The proposed FAR of .58 translates to 3,350 square feet, where 2,336 square feet exists, and 2,632 square feet is the maximum allowed as of right. Most of the additional floor area is within the footprint of the structure except for the screen porch to the right of the dwelling. The screen porch does not reduce any of the existing setbacks. The lot is undersized at 5,722 square feet where 7,000 is required for the lot size in the SR-3 zone. Many of the dwellings in the neighborhood also appear to be on undersized lots and of a similar scale to 270 Auburndale Avenue, however few have dormers along the side elevations.

C. Parking and Circulation

No changes are proposed for parking or circulation.

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		
Ordinance		Action Required
§3.1.3		
§3.1.9	To exceed FAR	S.P. per §7.3.3
§1.5.4.G.2.b	To allow oversized dormers	S.P. per §7.3.3
§1.5.4.G.2.c	To allow dormers with less than a 3-foot setback	S.P. per §7.3.3

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

Historic review is not required at this time.

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

270 Auburndale Ave

*City of Newton,
Massachusetts*

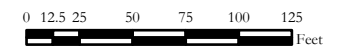
Zoning

-  Single Residence 3
-  Public Use

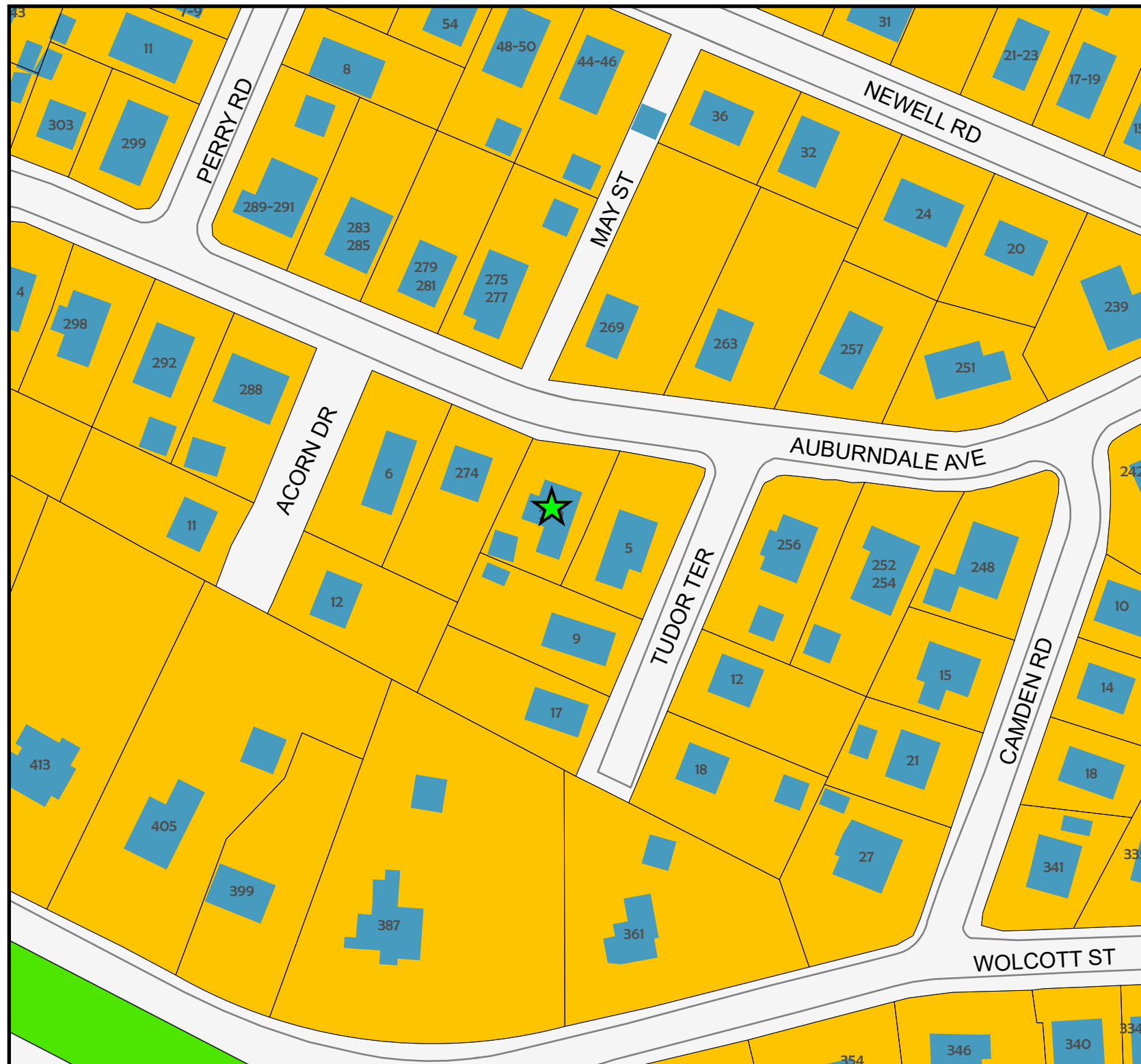


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: October 28, 2022



ATTACHMENT B

Land Use

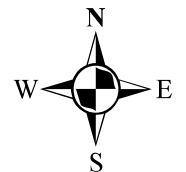
270 Auburndale Ave

*City of Newton,
Massachusetts*

Land Use

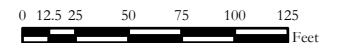
Land Use

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



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: October 28, 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: October 3, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Jeffrey and Stephanie McNeil, Applicants
Rick Amodei, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: **Request to exceed FAR and to allow oversized dormers**

Applicant: Jeffrey and Stephanie McNeil	
Site: 270 Auburndale Avenue	SBL: 44029 0013
Zoning: SR3	Lot Area: 5,722 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 270 Auburndale Avenue consists of a 5,722 square foot lot in the Single Residence 3 zoning district improved with a single-family dwelling constructed circa 1900 and a detached garage constructed in 1927. The petitioners propose to make additions to the first and second stories which exceed both the FAR and dormer regulations, requiring a special permit.

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

- Zoning Review Application, prepared by Rick Amodei, architect, submitted 9/8/2022
- Floor plans and elevations, prepared by Silver Lake Architects, architect, dated 4/21/2022
- Existing Conditions Plot Plan, signed and stamped by Todd P. Chapin, surveyor, dated 5/15/2022
- Proposed Conditions Plot Plan, signed and stamped by Todd P. Chapin, surveyor, dated 9/2/2022
- Average Grade Plane, signed and stamped by Todd P. Chapin, surveyor, dated 9/14/2022
- FAR worksheet, submitted 9/8/2022
- Exterior Elevations, prepared by Silver Lake Architects, submitted 9/29/2022

ADMINISTRATIVE DETERMINATIONS:

1. The existing dwelling and garage have an FAR of .41 where .46 is the maximum allowed per sections 3.1.3 and 3.1.9. The petitioners propose to infill a portion of an existing front porch, construct a second story addition in the footprint of the rear ell and half story dormers which increase the FAR to .58, requiring a special permit per section 3.1.9.
2. Per section 1.5.4.G.2.b a dormer may be no wider than 50% of the length of the exterior wall next below. The petitioners propose dormers on both the eastern and western sides of the roof. The eastern dormer is 34.3 feet wide, which is 87% of the 39.5 foot wall below. The western dormer is 34.3 feet wide where the wall plane below is 20 feet wide due to a jog in the plane. The proposed oversized dormers require a special permit per section 1.5.4.G.2.b.
3. The proposed eastern dormer is in line with the intersection of the roof and the main building end wall. Per section 1.5.4.G.2.c, a dormer may be no closer than three feet from the intersection of the roof and main building. The proposed dormer requires a special permit to be located less than three feet to the intersection of the roof and main building.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	5,722 square feet	No change
Frontage	70 feet	62 feet	No change
Setbacks			
• Front	25 feet	25.9 feet	No change
• Side	7.5 feet	17.1 feet	17 feet
• Side	7.5 feet	6.9 feet	No change
• Rear	15 feet	18.4 feet	No change
Height	36 feet	32.78 feet	No change
Stories	2.5	2.5	No change
FAR	.46	.41	.58*
Max Lot Coverage	30%	27.7%	29.1%
Min. Open Space	50%	52.1%	50.7%

*Requires relief

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
§1.5.4.G.2.b	To allow oversized dormers	S.P. per §7.3.3
§1.5.4.G.2.c	To allow dormers with less than a 3-foot setback	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 allow oversized dormers, dormers within three feet of the vertical wall plane, and to exceed the floor area ratio from .41 to .58, where .46 is the maximum allowed as of right, 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 proposed additions and oversized dormers which exceed the maximum allowed floor area ratio because the increase in FAR can be attributed to an undersized lot, and most of the additional floor area is within the footprint of the structure. (§7.3.3.C.1)
2. The proposed additions and oversized dormers which exceed the maximum allowed floor area ratio will not adversely affect the neighborhood because there are similarly sized lots and dwellings in the neighborhood and most of the additional floor area is within the footprint of the structure. (§7.3.3.C.2)
3. The additions and oversized dormers which exceed the maximum allowed floor area ratio will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed increase in the FAR from .41 to .58 where .46 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 most of the additional floor area is within the footprint of the structure. (§3.1.9)

PETITION NUMBER:

#502-22

PETITIONER: Jeffrey and Stephanie McNeil

LOCATION: 270 Auburndale Avenue, on land known as Section 44, Block 29, Lot 13, containing approximately 5,722 square feet of land

OWNER: Jeffrey and Stephanie McNeil

ADDRESS OF OWNER: 270 Auburndale Avenue
Newton, MA 02466

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special Permit under §7.3.3 to: exceed the FAR (§3.1.3, §3.1.9) and to allow a dormer in excess of 50% of the wall below (§1.5.4.G.2.b) and within three feet of the vertical wall plane (§1.5.4.G.2.c)

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. Site Plan "Proposed Plot Plan", signed and stamped by Todd P. Chapin, Professional Land Surveyor, dated September 2, 2022
 - b. Architectural Plans, "McNeil Residence", prepared by Silver Lake Architects, unsigned and unstamped, dated August 17, 2022 consisting of two (2) sheets:
 - i. Exterior Elevations A-2.0
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, Engineering Division of Public Works, and Fire Department.
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 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 council 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 petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or land surveyor certifying compliance with Condition #1 as well as the as-built floor area ratio of the structure.
 - 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.

DRAFT