

# City of Newton Planning and Development

## **Petition #505-22**

Special Permit/Site Plan Approval to construct an attached garage addition, dormer to the front elevation, and to reconfigure the roofline of the ell

***December 6, 2022***



**71-73 West Pine Street**

# Zoning Relief

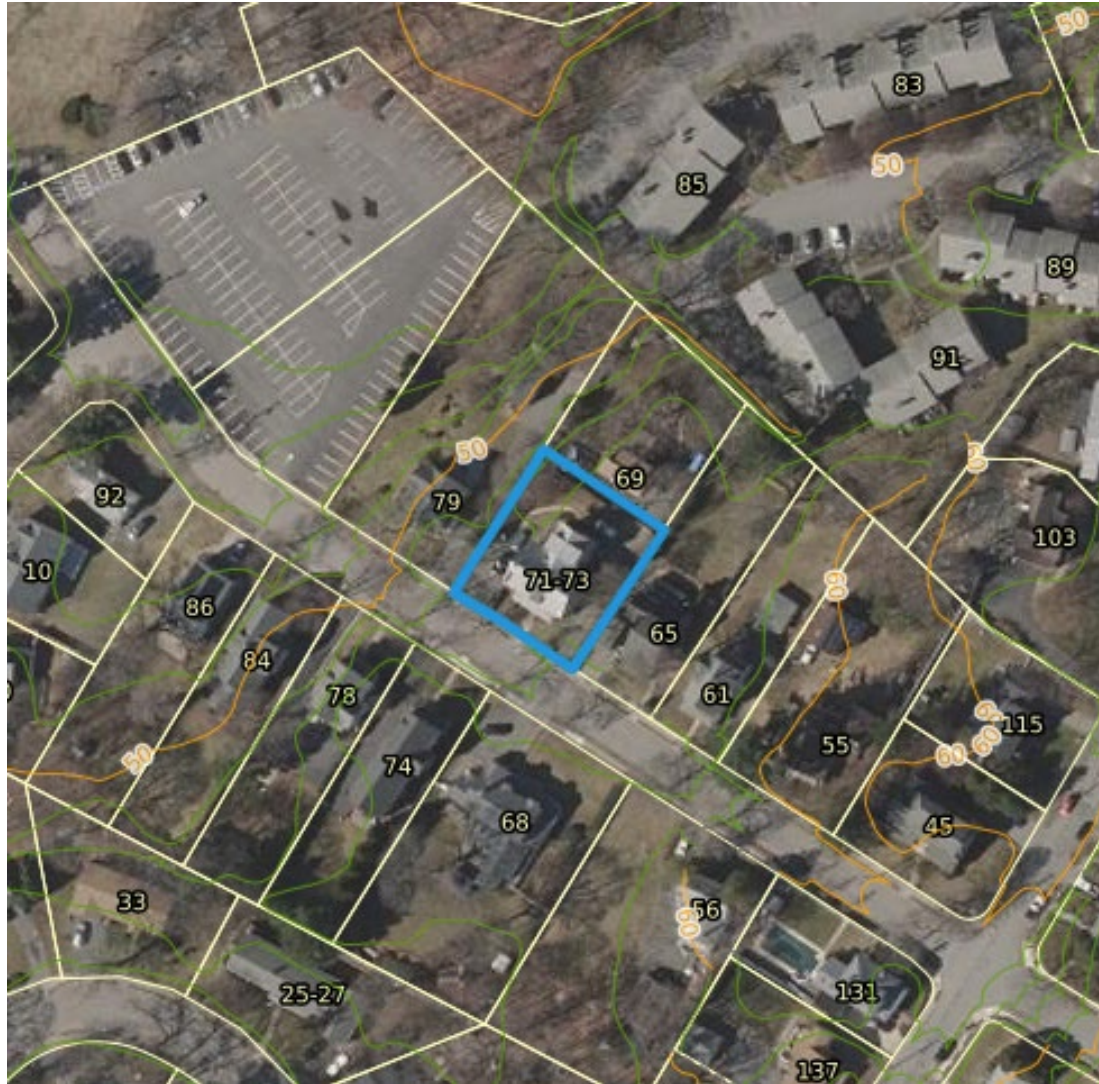
Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to extend a nonconforming two-family dwelling use	S.P. per §7.3.3
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further extend the nonconforming third story	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to extend nonconforming height	S.P. per §7.3.3
§1.5.4.G.2.b	Request to allow a dormer exceeding 50% of the wall next below	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
§5.4.2.B	Request to allow a retaining wall exceeding four feet within the front setback	S.P. per §7.3.3

# Criteria to Consider

When reviewing this request, the Council should consider whether:

- the proposed expanded structure that would extend a nonconforming two-family dwelling use (§3.4.1), further reduce nonconforming open space (§3.1.3), further extend the nonconforming third story (§3.1.3) and extend the nonconforming height (§3.1.3) would be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)
- the proposed with an increased floor area ratio (FAR) from 0.38 to 0.49 where 0.43 is the maximum allowed by right (§3.1.3) would be consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9)
- the site in a Single Residence 3 (SR3) zoning district is an appropriate location for the proposed modified single-family dwelling as designed including a dormer exceeding 50% of the wall next below and a retaining wall exceeding four feet within the front setback (§7.3.3.C.1)
- the proposed modified single-family dwelling as designed including a dormer exceeding 50% of the wall next below and a retaining wall exceeding four feet within the front setback will adversely affect the neighborhood (§7.3.3.C.2)
- for the proposed modified single-family dwelling as designed including a dormer exceeding 50% of the wall next below and a retaining wall exceeding four feet within the front setback 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)

# Aerial Map





# Zoning






## ATTACHMENT B

### Zoning

71-73 West Pine St.

*City of Newton,  
Massachusetts*

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



The information on this map is derived from the City of Newton's 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 - Kathleen Fuller  
GIS Administrator - Douglas Greenfield



Map Date: November 28, 2022



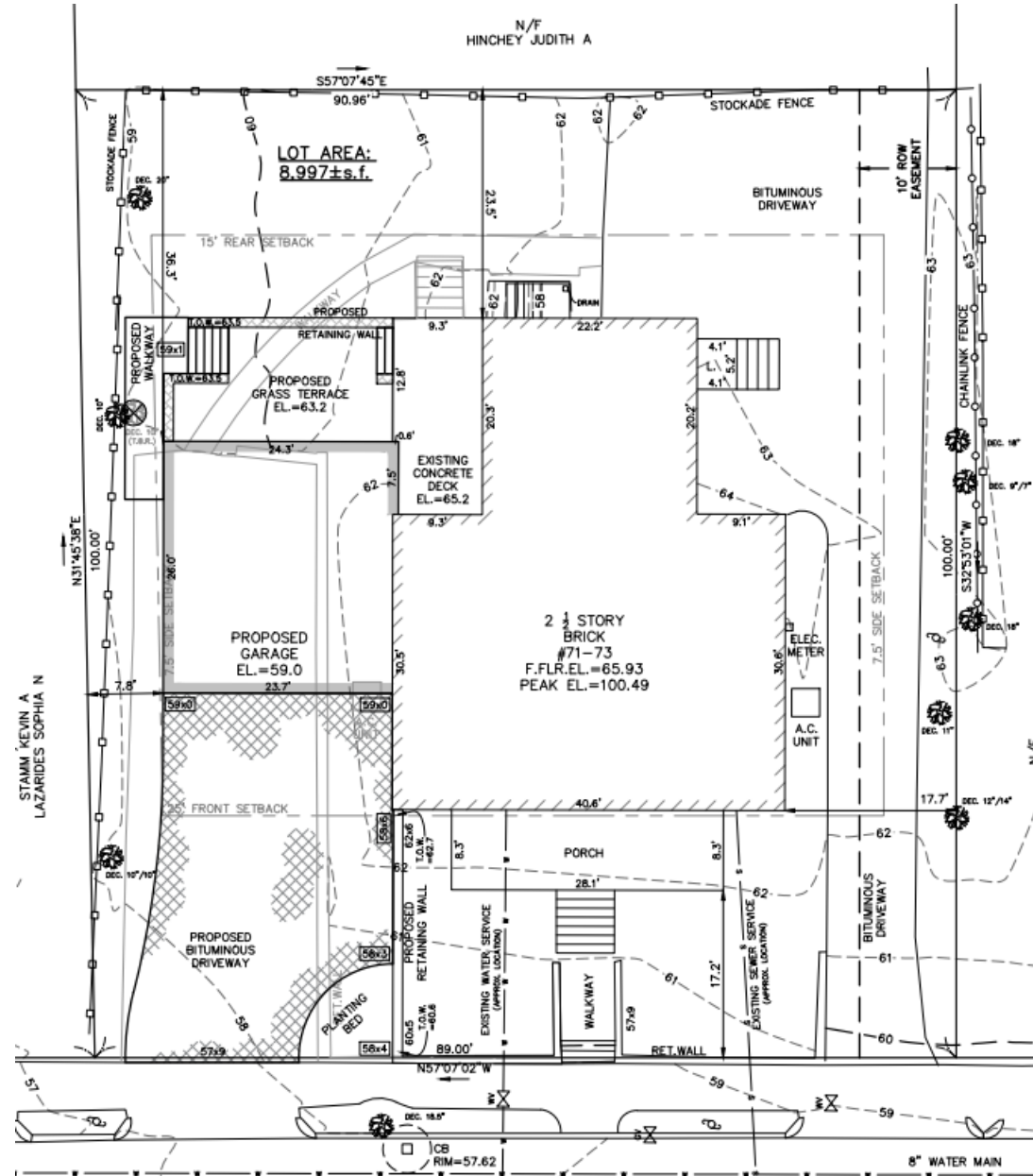
# Land Use



# Historic Review

+ Update

# Plans- Proposed

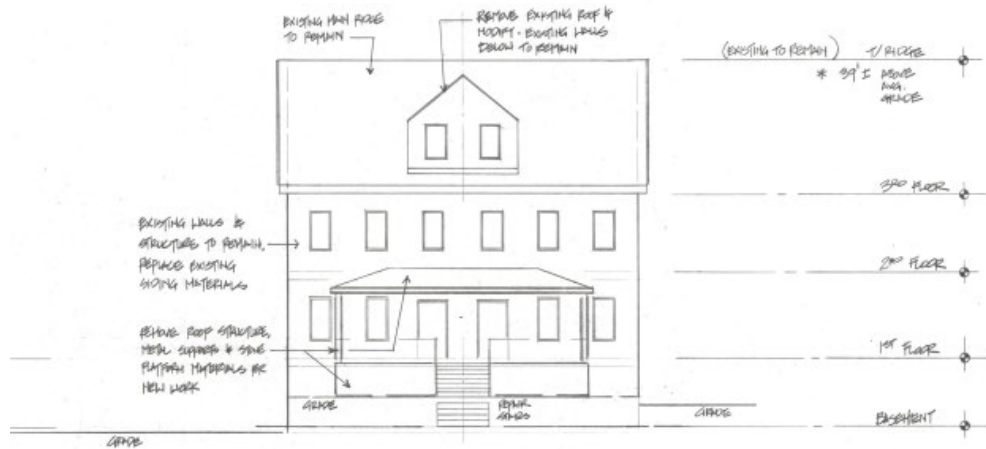




# Elevations- Existing



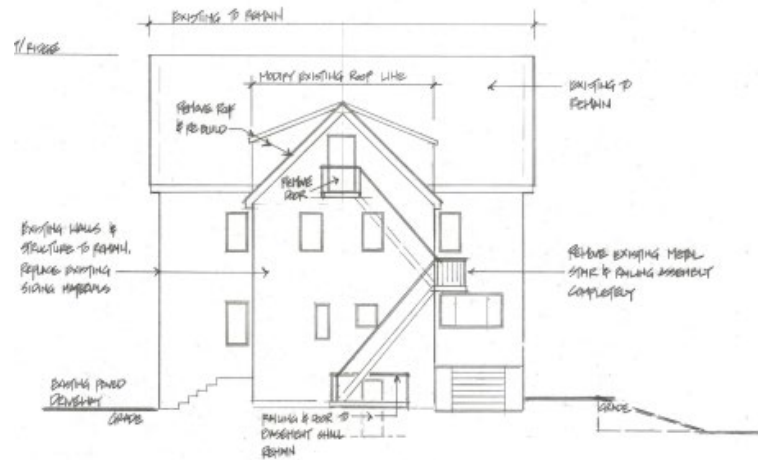
① LEFT SIDE ELEVATION - EXISTING  
1/8" = 1'-0"



② FRONT ELEVATION - EXISTING  
1/8" = 1'-0"



③ RIGHT SIDE ELEVATION - EXISTING  
1/8" = 1'-0"



④ REAR ELEVATION - EXISTING  
1/8" = 1'-0"





# Photos





# Photos





# Photos



# Findings

1. the proposed expanded structure that would extend a nonconforming two-family dwelling use (§3.4.1), further reduce nonconforming open space (§3.1.3), further extend the nonconforming third story (§3.1.3) and extend the nonconforming height (§3.1.3) would not be substantially more detrimental than the existing nonconforming use to the neighborhood as it features a range of similarly scaled dwellings, the garage would be located in a portion of the lot largely occupied by paved driveway area, the existing roof ridgeline height would be maintained, and the third floor addition would be located on the rear of the structure with little visibility from the adjacent public way (§7.8.2.C.2)
2. the proposed expanded structure with an increased floor area ratio (FAR) from 0.38 to 0.49 where 0.43 is the maximum allowed by right (§3.1.3) would be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as they are a mix of single-, two-, and multi- family dwellings of various sizes , scales and designs (§3.1.9)



# Findings

1. the site in a Single Residence 3 (SR3) zoning district is an appropriate location for the proposed modified two-family dwelling as designed including a dormer exceeding 50% of the wall next below and a retaining wall exceeding four feet within the front setback as it located in a neighborhood that is comprised of a mix of structures that includes similarly scaled dwellings (§7.3.3.C.1)
2. the proposed modified two-family dwelling as designed including a dormer exceeding 50% of the wall next below and a retaining wall exceeding four feet within the front setback will not adversely affect the neighborhood as neither the proposed dormer's nor the proposed retaining wall's design will have a negative visual impact on the nearby public right of way and/or properties (§7.3.3.C.2)
3. the proposed modified two-family dwelling as designed including a dormer exceeding 50% of the wall next below and a retaining wall exceeding four feet within the front setback 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)

# Conditions

- + *Plan Referencing Condition*
- ~~+ *Pest control*~~
- ~~+ *Construction Management Plan (CMP)*~~
- ~~+ *Vibration control*~~
- ~~+ *Operations & Management Plan (O&M)*~~
- + *Standard Building Permit Condition*
  - ~~+ *Final landscape plan*~~
- + *Standard Final Inspection/Certificate of Occupancy Condition*
  - ~~+ *Landscape architect compliance statement*~~
- ~~+ *Landscape maintenance requirement*~~

# Plans- Proposed w/topographical



# Plans- Proposed w/topographical

# Plans- Landscaping

# **Elevations- front and rear**



# **Perspectives- from Wilson Circle**

# **Perspectives- from Cochituate Aqueduct**