



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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**#562-22**

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Barney S. Heath  
Director

## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	January 10, 2023
Land Use Action Date:	March 28, 2023
City Council Action Date:	April 3, 2023
90-Day Expiration Date:	April 10, 2023

DATE: January 6, 2023

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 #562-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a first-floor study and accessory apartment with additional living space above at **28 Putnam Street**, Ward 3, Newton, on land known as Section 32 Block 07 Lot 18, containing approximately 11,747 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.3, 3.1.9 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.



**28 Putnam Street**

## EXECUTIVE SUMMARY

The subject property at 28 Putnam Street consists of an 11,747 square foot corner lot in a Single Residence 2 (SR2) zoning district improved with a 4,122 square foot, two and a half story, single-family dwelling constructed circa 1890 with an attached basement level garage.

The petitioners propose to construct a 958 square foot addition to the dwelling, with 538 square feet located on the first floor and 420 square feet on the second floor. As designed, the addition would increase the dwelling' floor area ratio (FAR) from 0.35 to 0.43 where 0.36 is the maximum allowed by-right, requiring a special permit per Sections 3.1.3 and 3.1.9 of the Newton Zoning Ordinance (NZO).

The petitioners propose to create a 537 square foot internal accessory apartment within the first story of the proposed addition. The accessory apartment would occupy 11% of the proposed total habitable space of 5,080 square feet, where up to 1,000 square feet or 33% is allowed by right. As such, no relief is required for the proposed accessory apartment.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- the proposed structure with a floor area ratio of 0.43 where 0.36 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)

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located at the southeast corner of Putnam and Hunter streets. The Massachusetts Turnpike is to the north, and the area developed largely with single- and two- family dwellings (**Attachment A**). The site and immediately surrounding areas to the east and south/southwest are zoned Single Residence 2 (SR2); there is a small Multi Residence 2 (MR2) district directly across Hunter Street, and a Multi Residence 1 (MR1) district is located along the south side of Washington Street to the east and west (**Attachment B**).

#### B. Site

The subject property consists of an 11,747 square foot corner lot improved with a 4,122 square foot, two and a half story, single-family dwelling constructed with an attached basement level garage. The parcel's grade slopes upward from its Hunter Street frontage approximately 14 feet (from north to south). Vehicular access is provided via a curb cut and associated driveway off Hunter Street. The remaining portions of the site feature lawn area and mature trees and shrubs.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The principal use of the site would remain a single-family residence with the addition of an as of right internal accessory apartment.

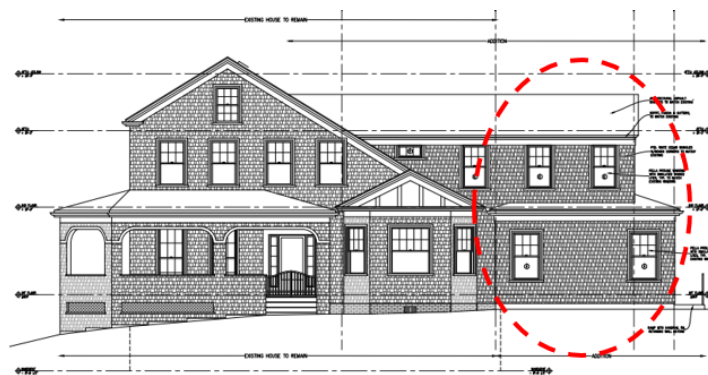
#### B. Building and Site Design

The petitioners propose to construct 958 square foot two story addition to the dwelling, with 538 square feet located on the first floor and 420 square feet on the second floor. The addition, which would be located on the right side of the lot's Putnam Street frontage, would increase the dwelling's floor area from 4,122 to 5,080 square feet (approximately 850 square feet more than what is allowed by-right), and its floor area ratio (FAR) from 0.35 to 0.43 where 0.36 is the maximum allowed by-right.

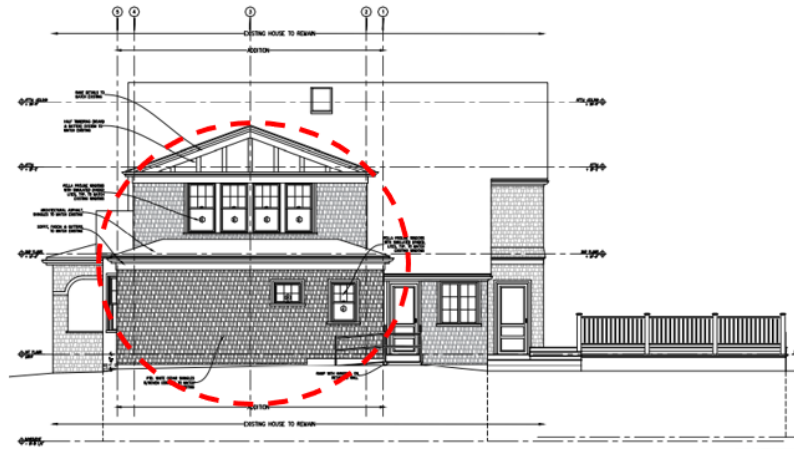
Regarding setbacks, there would be no changes made to the two nonconforming front setbacks of 18.6 feet and 17.9 feet along Putnam and Hunter streets, respectively, where 25 feet is required. There would also be no change to the existing conforming 31-foot rear setback where 15 feet is required. The only setback that would be altered would be the side setback perpendicular to Putnam Street that would be reduced from 27.9 to 7.9 feet, remaining just above the required 7.5 feet.

The proposed changes would increase the lot coverage from 21.8% to 26.4%, remaining below the maximum 30% allowed by right. The property's open space would decrease from 74% to 68% but would remain well above the minimum 50% required.

The petitioners propose to create a 537 square foot internal accessory apartment within the first story of the proposed addition. The accessory apartment would occupy 11% of the proposed total habitable space of 5,080 square feet, where up to 1,000 square feet or 33% is allowed by right. As such, no relief is required for the proposed accessory apartment.



***Proposed front (Putnam St.) elevation with addition indicated***



***Proposed side elevation with addition indicated***

C. Parking and Circulation

No changes to the existing garage and/or driveway are contemplated by this petition.

D. Landscaping

A landscaping plan was not submitted with this petition. The Planning Department suggests the petitioner consider providing some vegetative screening of the addition, especially along the affected side property line

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)

B. Engineering Review

Review by the Engineering Division is not required at this time. Such review would likely need to be conducted prior to the issuance of a building permit pursuant to the sought special permit as the net increase in impervious area would be 656 square feet (from 3,005 to 3,661 square feet).

C. Historic Review

On September 14, 2022, the Newton Historic Commission found the structure historically significant but approved the proposed project based upon materials submitted, requiring possible further review.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

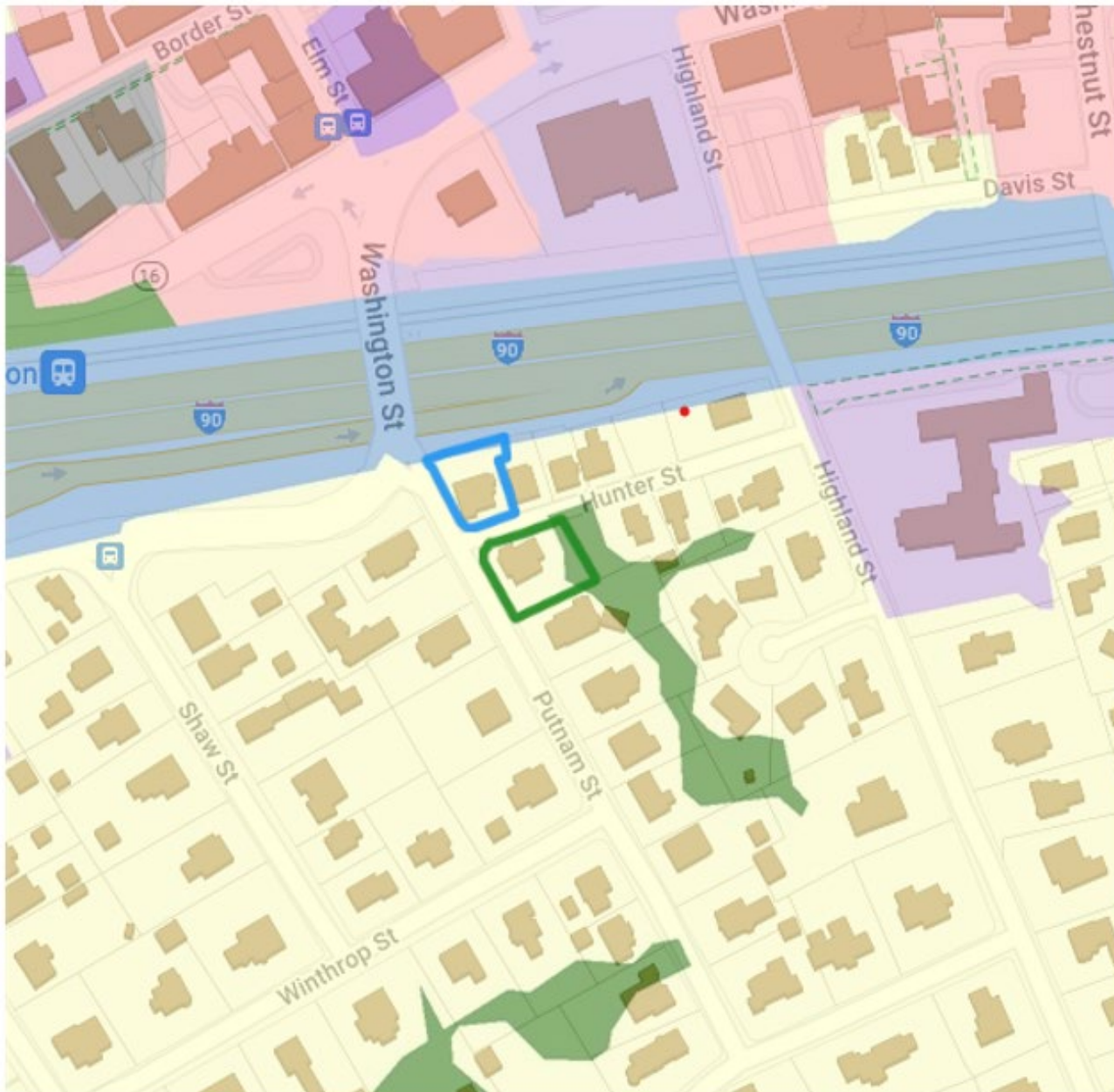
**ATTACHMENTS:**

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Council Order

# ATTACHMENT A

## Land Use

### 18 Putnam Street



- Brushland/Successional; Forest
- Cemetery
- Commercial
- Wetlands
- Agricultural
- Recreation
- Residential
- Industrial
- Junkyard; Waste Disposal
- Mining
- Open Land; Transitional
- Powerline/Utility
- Transportation
- Urban Public/Institutional
- Water



# ATTACHMENT B

## Zoning

### 18 Putnam Street



#### Zoning

- Single Residence 1
- Single Residence 2
- Single Residence 3
- Multi Residence 1
- Multi Residence 2
- Multi Residence 3
- Multi Residence 4
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Mixed Use 1
- Mixed Use 2
- Mixed Use 3
- Mixed Use 4
- Open Space/Recreation
- Public Use

# ATTACHMENT C



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Director

## ZONING REVIEW MEMORANDUM

Date: January 5, 2023

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Trevor and Luba Stricker, Applicants  
Peter Sachs, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

RE: Request to exceed FAR

Applicant: Trevor & Luba Stricker	
Site: 28 Putnam Street	SBL: 32007 0018
Zoning: SR2	Lot Area: 11,747 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with accessory apartment

### BACKGROUND:

The property at 28 Putnam Street consists of an 11,747 square foot corner lot improved with a single-family dwelling constructed circa 1890. The petitioners propose to construct a first floor study and accessory apartment addition and additional living space above. The proposed addition will exceed maximum FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Peter Sachs, architect, dated 11/2/2022
- Existing Conditions Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 1/9/2018
- Proposed Conditions Plan, signed and stamped by Bruce Bradford, surveyor, dated 9/9/2022
- Existing Conditions, prepared by Peter Sachs, architect, dated 7/22/2022
- Zoning Review Set, prepared by Peter Sachs, architect, dated 8/29/2022, revised 11/2/2022
- FAR calculation, prepared by Peter Sachs, architect, submitted 11/2/2022



**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to construct a first floor study and accessory apartment addition with additional living space above. The proposed addition increases the FAR from .35 to .43 where .36 is the maximum allowed. A special permit per sections 3.1.3 and 3.1.9 is required.
2. The petitioners propose a 537 square foot internal accessory apartment as part of the first story addition. The proposed internal accessory apartment is 11% of the proposed total habitable space of 5,080 square feet, where up to 1,000 square feet or 33% is allowed by right. No relief is required for the proposed accessory apartment.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	11,747 square feet	No change
Frontage	100 feet	113 feet	No change
Setbacks			
• Front (Putnam Street)	25 feet	<b>18.6 feet</b>	<b>No change</b>
• Front (Hunter Street)	25 feet	<b>17.9 feet</b>	<b>No change</b>
• Side	7.5 feet	27.9 feet	7.9 feet
• Rear	15 feet	31 feet	No change
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	31 feet	30.4 feet
FAR	.36	.35	<b>.43*</b>
Max Lot Coverage	30%	21.8%	26.4%
Min. Open Space	50%	74%	68%

**Bold** indicates a nonconformity

\*Requires relief

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3	To exceed FAR	S.P. per §7.3.3
§3.1.9		

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 (§3.1.3, §3.1.9); as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- the proposed expanded dwelling with an increased floor area ratio (FAR) of 0.43 where 0.35 exists and 0.36 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)

PETITION NUMBER: #562-22

PETITIONER: Trevor and Luba Striker

LOCATION: 28 Putnam Street, Ward 3, on land known as Section 32 Block 07 Lot 18, containing approximately 11,747 sq. ft. of land

OWNER: Trevor and Luba Striker

ADDRESS OF OWNER: 28 Putnam Street  
Newton, MA 02445

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)

ZONING: Single Residence 2 (SR2)

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, 28 Putnam Street, Proposed Addition," dated September 9, 2022, prepared by Everett M. Brooks Co., stamped and signed by Bruce Bradford, Professional Land Surveyor on September 9, 2022
  - b. architectural plans entitled "Stricker Residence, 28 Putnam St, Newton, MA," prepared by Peter Sachs, Registered Architect, dated August 29, 2022, as revised through November 21, 2022, comprised of the following sheets:
    - i. Title Sheet (A-1)
    - ii. Basement Plan (A-2)
    - iii. First Floor Plan (A-3)
    - iv. Second Floor Plan (A-4)
    - v. Attic Floor Plan/Roof Plan (A-5)
    - vi. Front Elevation (A-6)
    - vii. Right Elevation (A-7)
    - viii. Back Elevation (A-8)
    - ix. Building Section/Wall Section (A-9)
  - c. a document entitled "Floor Area Worksheet- 28 Putnam St.," indicating a proposed total gross floor area of 5,080 square feet and a proposed FAR (floor area ratio) of 0.43
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. 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 or engineer 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 licensed land surveyor.