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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 12, 2016
Land Use Action Date: March 29, 2016
City Council Action Date: April 4, 2016
90-Day Expiration Date: April 12, 2016

DATE: January 8, 2016

TO: City Council

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Jane Santosuosso, Chief Zoning Code Official

SUBJECT: **Petition #348-15**, NATALLIA ASTAPUK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE AND USE to add a shed dormer to the half story above the second floor, which will increase the existing Floor Area Ratio from .51 to .62, where .48 is the maximum allowed by right, and to extend the legally nonconforming two-family dwelling use at 27-29 TALBOT STREET, Ward 3, West Newton, on land known as SBL 34, 30, 5, containing approximately 5,000 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3, 7.4, 7.8.1.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

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 that the Land Use Committee of the City Council can consider at a subsequent working session.



27-29 Talbot Street

EXECUTIVE SUMMARY

The property located at 27-29 Talbot Street consists of a 5,000 square foot lot, and is improved with a 2½-story two-family residence built in 1929 in the Single Residence 3 zoning district. The applicant is proposing to construct a shed dormer addition to the half-story above the second floor unit to create a master suite. To construct the addition, the applicant is seeking a special permit to increase the nonconforming two-family use, as well as to increase the nonconforming floor area ratio (FAR) from 0.51 to 0.62, where 0.48 is the maximum allowed by right. If approved, the proposed additions will result in a net increase to the existing dwelling by 564 square feet for a total dwelling size of 3,123 square feet.

The Planning Department is not concerned about the construction of the dormer addition on this two-family dwelling. The dwelling is located in a neighborhood of other similarly-scaled single- and two-family dwellings. The addition has been designed to be sensitive to the neighborhood and the direct abutters. The Planning Department believes that the bulk, mass, and location of the proposed addition has been subordinated to the rest of the structure, and visually blends well with the residential context of the area. For these reasons, the Planning Department believes the subject property is an appropriate location for the proposed addition, and that it is consistent with and not in derogation of the size, scale, and design of other residential structures in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The proposed extension of the nonconforming two-family use and structure is not substantially more detrimental than the existing nonconforming use to the neighborhood. (§7.8.2.C.2)
- The proposed increase of FAR from 0.51 to 0.62, where .48 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)
- The site is an appropriate location for the proposed addition to a two-family dwelling, which enlarges the structure by a total of 564 square feet. (§7.3.3.C.1)
- The proposed addition will not adversely affect the neighborhood, as it is a moderately-sized shed dormer which does not increase the footprint of the existing structure and is designed to diminish the bulk and mass of the proposed addition to be subordinate to the rest of the structure. (§7.3.3.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Talbot Street, a quiet residential street located one block east of Cherry Street, and one house lot in from Harris Road. The site is developed with a two-family residence, and is similar in massing and style to 43

Harris Road located immediately to the south. Other houses on the Talbot Street are a mix of one-story capes and bungalow homes, however the dwelling is in keeping with the larger neighborhood, which is made up of similarly sized and styled single- and two-family dwellings. The site and surrounding area are zoned Single Residence 3 (**Attachments A & B**).

B. Site

The property consists of 5,000 square feet of land, and is improved with a 2½-story single-family residence built in 1929. Many of the surrounding homes on Harris Road and Cherry Street are similarly sized and styled, including the abutter at 43 Harris Road. The topography of the site and larger neighborhood is flat. The two-family residence has vehicular access via a bituminous driveway on the north side of the property. The remaining portions of the site are lawn with some landscaped beds.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a two-family residence.

B. Building and Site Design

The applicant is proposing to extend the existing residence by constructing a shed dormer addition on the north side of the structure. Each of the two units is currently 1,279.8 square feet. The addition will enlarge the current attic level to create additional functional living space for the second floor unit. If approved, the proposed addition will result in a net increase of the existing dwelling by 564 gross square feet for a total dwelling size of 3,123 square feet, which will increase the FAR from 0.51 to 0.62 where 0.48 is the maximum allowed by right. The proposed additions and dwelling otherwise meet all of the dimensional controls as stipulated in the NZO.

The Planning Department has no concerns with the proposed shed dormer addition to the two-family dwelling, as it is designed to be consistent with the character of this and the neighboring house to the south. The Planning Department believes the proposed modest addition to this older structure will help preserve it, while allowing the owners to meet the needs of today's families. This addition will be minimally impactful to the abutting properties and neighborhood.

Landscape Screening

The site has an existing six-foot stockade fence along the driveway with the abutting property to the north, and a four-foot chain link fence and shrubbery along the southern property line. The Planning Department believes that existing vegetation is adequate, and does not believe additional screening is needed.

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:

- §3.1.9 of Section 30, to increase the Floor Area Ratio (FAR)
- §7.8.2 of Section 30, to increase the nonconforming FAR and two-family use.

B. Engineering Review

As the proposed project does not increase the impervious surfaces of the site, no review by Engineering is required at this time.

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, dated October 14, 2015

Land Use Map 27-29 Talbot Street

*City of Newton,
Massachusetts*

ATTACHMENT A

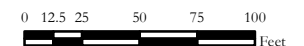
Legend

-  Building Outlines
-  Property Boundaries
- Land Use**
-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Vacant Land

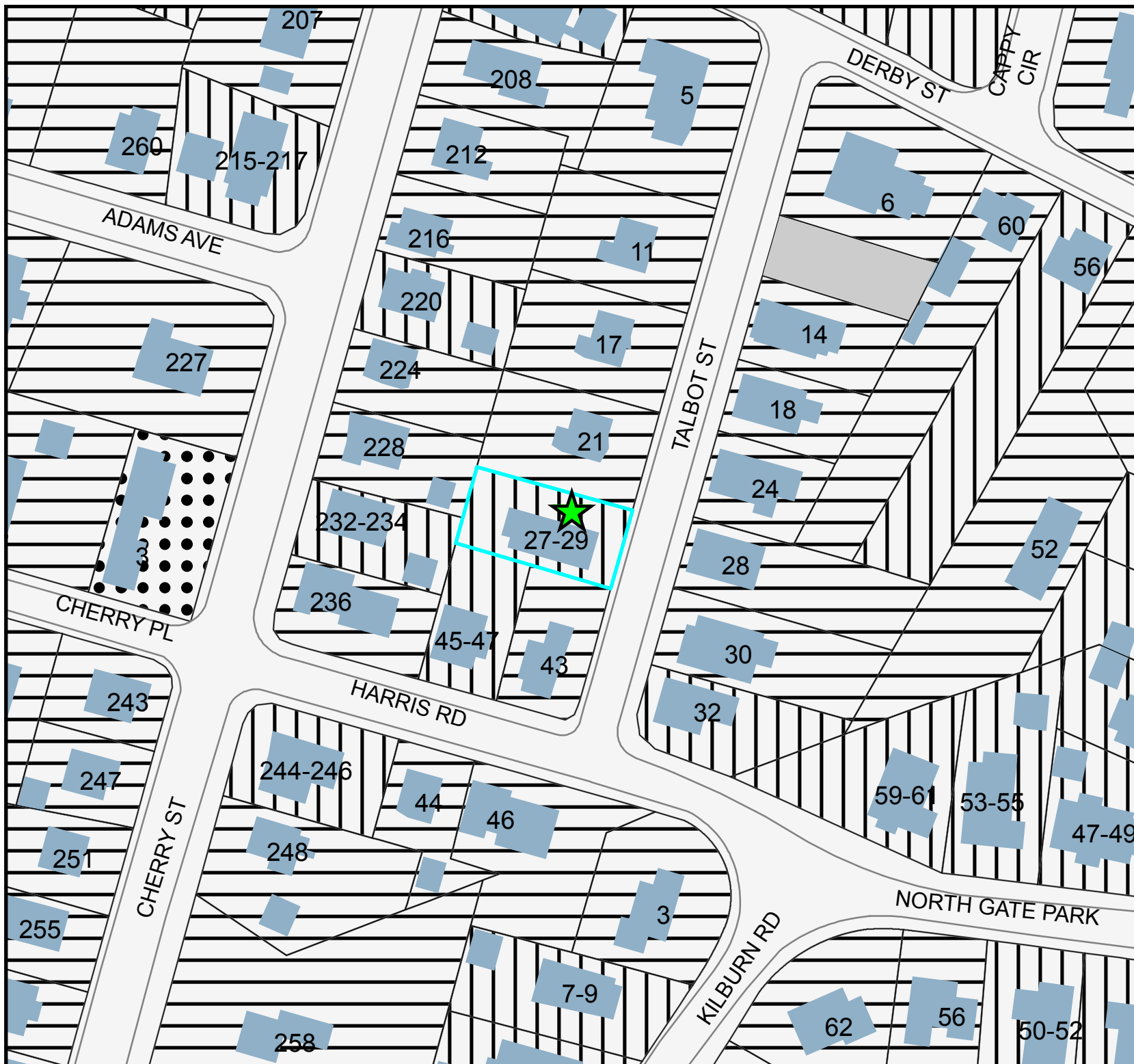


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GIS Administrator - Douglas Greenfield



Map Date: January 04, 2016



Zoning Map 27-29 Talbot Street

*City of Newton,
Massachusetts*

ATTACHMENT B

Legend

-  Single Residence 3
-  Building Outlines
-  Property Boundaries

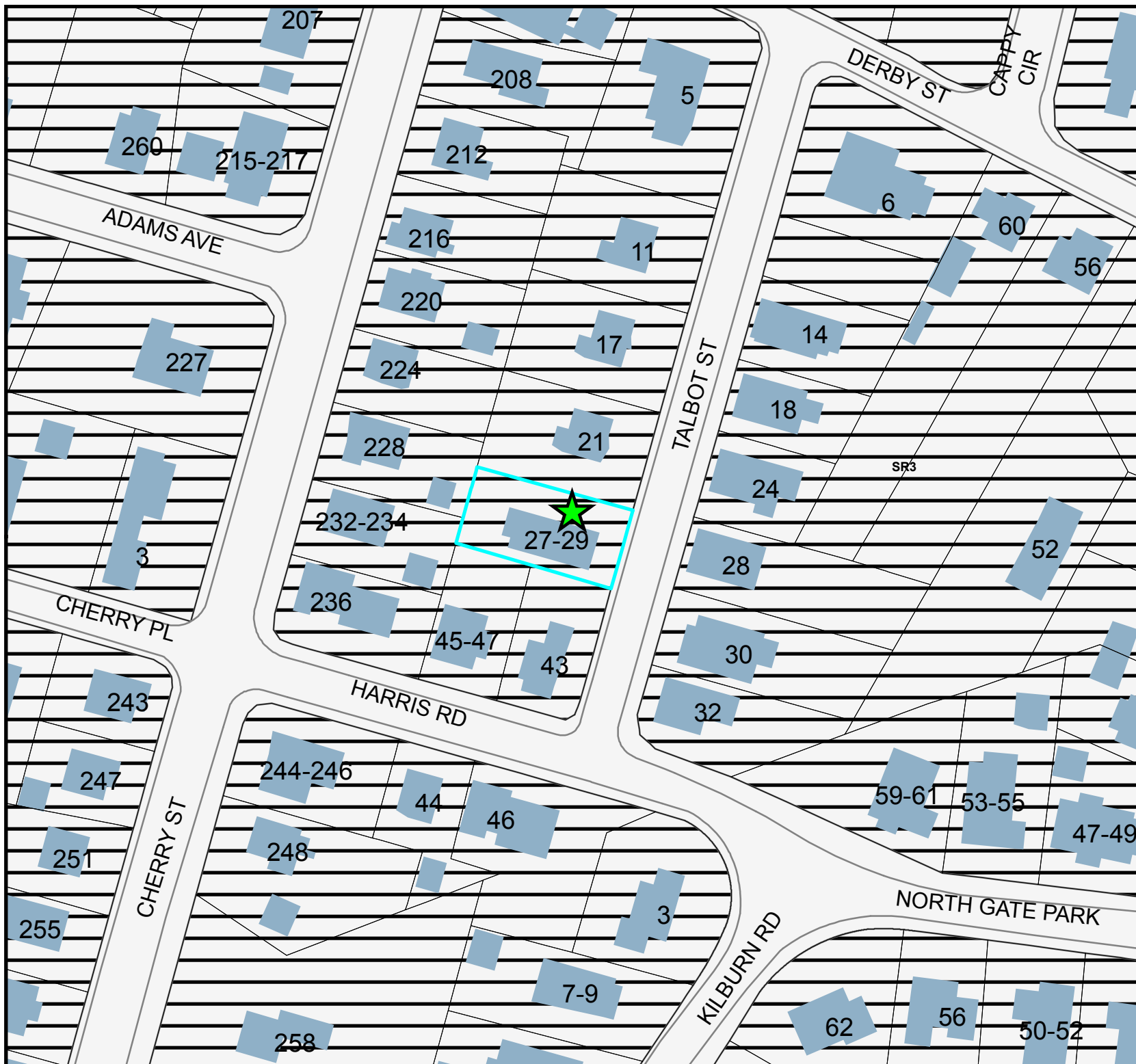


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CITY OF NEWTON, MASSACHUSETTS
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Feet

Map Date: January 04, 2016





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Acting Director

ZONING REVIEW MEMORANDUM

Date: October 14, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Dimitir Kostov, Architect
Natallia Astapuk, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to increase nonconforming FAR, and to extend a nonconforming two-family use

Applicant: Natallia Astapuk	
Site: 27-29 Talbot Street	SBL: 34030 0005
Zoning: SR-3	Lot Area: 5,000 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 27-29 Talbot Street consists of a 5,000 square foot lot improved with a two-family residence constructed in 1929. The structure consists of two and a half stories and a basement.

The applicant is proposing to add a shed dormer to the half story above the second floor unit to create a master suite. The addition of the dormer increases the nonconforming structure and use, and the existing nonconforming FAR.

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

- Zoning Review Application, prepared Dimitir Kostov, architect, submitted 9/21/2015
- FAR Worksheet, submitted 9/21/2015
- Architectural Plans, signed and stamped by Dimitir Kostov, architect, submitted 9/21/2015
 - Existing floor plans
 - Proposed Floor Plans
 - Existing Elevations
 - Proposed Elevations

ADMINISTRATIVE DETERMINATIONS:

1. The existing two-family structure was built in 1929, and is located in the Single Residence 3 zoning district. A two-family dwelling was not prohibited at the time the structure was built, however two-family uses are not allowed in this district by right presently. The two-family structure is a legal nonconforming use and requires a special permit per Chapter 30, section 7.8.1.C.2 to extend.
2. The applicant's existing FAR is at .51, where .48 is the maximum allowed. The proposed dormer increases the nonconforming FAR to .62. A special permit is required to further increase the nonconforming FAR per Chapter 30, sections 3.1.9 and 7.8.1.C.2

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
Ch 30 §3.4.1, §7.8.1.C.2	To extend a nonconforming two-family use	S.P. per Ch 30 §7.3, §7.4
Ch 30 §3.1.9 §7.8.1.C.2	Further extend nonconforming Floor Area Ratio (FAR)	S.P. per Ch 30 §7.3, §7.4