



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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James Freas  
Acting Director

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**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  
Daniel Sexton, Senior Planner

SUBJECT: **Petition #230-15(2)**, BRENDAN M. EVERETT, for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition to the basement and first floor and to enlarge an existing attic dormer, which will increase the Floor Area Ratio from .42 to .55, where .48 is the maximum allowed by right, at 239 CYPRESS STREET, Ward 6, Newton Centre, on land known as SBL 65, 15, 26, containing approximately 5,490 square feet of land, in a district zoned SINGLE RESIDENCE 3. Ref: Sec 7.3, 7.4, and 3.1.9 of Chapter 30 of the City of Newton Rev. Zoning Ord., 2015.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision-making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent working session.



**239 Cypress Street**

### **EXECUTIVE SUMMARY**

The property located at 239 Cypress Street consists of a 5,490 square foot lot, and is improved with a 2½-story single-family residence built in 1927. The applicants are proposing to construct a rear addition to the dwelling to create additional living space by enlarging the existing basement and first floor, and replacing an attic dormer in the rear of the structure with a slightly larger dormer. In order to construct the additions, the applicants are seeking a special permit to increase the floor area ratio (FAR) from 0.43 to 0.55, where 0.48 is the maximum allowed by right. If approved, the proposed additions will result in a net increase of the existing dwelling by 725 square feet for a total dwelling size of 3,044 square feet.

Due to the structure's age and scope of the proposed project, the City's Senior Planner for Historic Preservation reviewed the proposal. Staff found the structure to be historic as defined by the City's Demolition Delay Ordinance (§22-50), but authorized the proposed project based upon materials submitted for review. Prior to issuance of any building permit for the proposed project, staff will review construction plans. According to the *Newton Comprehensive Plan*, adopted 2007, residential property owners are encouraged to consider modest additions to older homes in order to preserve the existing structure, while allowing them to meet the needs of today's families.

The Planning Department is not concerned with the construction of the additions on this single-family dwelling. The additions are located at the rear of the home, and have been designed to be sensitive to the structure's historic architecture. The Planning Department believes that the bulk, mass, and locations of the proposed additions have been subordinated to the rest of the structure, and visually blend in well with the surrounding buildings and residential context of the neighborhood. The applicants are also proposing to install plantings along the southwestern property line to lessen the visual impact of the additions for the abutters on Bow Road. For these reasons, the Planning Department believes the subject property is an appropriate location for the proposed additions, and that the additions are consistent with and not in derogation of the size, scale, and design of other residential structures in the neighborhood.

The Planning Department does, however, encourage the applicants to consider planting native species with year around vegetation along the southwestern property line.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

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

- The proposed increase of FAR from 0.43 to 0.55, 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 additions to a single-family dwelling, which enlarge the structure by a total of 725 square feet. (§7.3.3.C.1)
- The proposed additions will not adversely affect the neighborhood, as they are located at the rear of the structure and have been designed 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 Cypress Street. The site is developed with a single-family residence, and is proximate to single- and multi-family residential, nonprofit organizations (Andover Newton Theological School), and open space land uses (**ATTACHMENT A**). The site and surrounding area are zoned Single Residence 3 (**ATTACHMENT B**). A nearby parcel is developed with the Bowen Elementary School, and is zoned Public Use.

### B. Site

The property consists of 5,490 square feet of land, and is improved with a 2½-story single-family residence built in 1927. The topography of the site slopes down gradually from the front property line to the rear property line, for a total grade change of approximately 10 feet (**Attachment C**). The single-family residence has vehicular access via a bituminous driveway on the northwest 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 single-family residence.

### B. Building and Site Design

The applicants are proposing to extend the existing residence by constructing a series of additions on the rear of the structure. The additions will enlarge the current basement level and first floor to create more functional living space, and replace a current rear facing dormer on the attic level with an expanded dormer to create a new bathroom. To construct the proposed additions, the applicants are proposing to remove an existing rear deck, which will be replaced on the southeastern corner of the structure, and demo a portion of the existing garage. If approved, the proposed additions will result in a net increase of the existing dwelling by 725 gross square feet for a total dwelling size of 3,044 square feet, which will increase the FAR from 0.43 to 0.55, where 0.48 is the maximum allowed by right. The proposed additions to the dwelling otherwise meet all of the dimensional controls as stipulated in the Newton Zoning Ordinance.

Since the project will make the existing garage impracticable for the storage of vehicles, the applicants are also proposing to widen the current driveway to 18 feet to accommodate parking for two vehicles. The two unenclosed parking stalls are proposed at the northwestern corner of the site off of Cypress Street. With the

exception of the proposed additions, expanded driveway, and landscape plantings along the southwestern property line, no other changes are proposed for the site.

The Planning Department has no concerns with the proposed additions to the single-family dwelling, as they are designed to be subordinate to the existing structure and are consistent with the surrounding residential character. The Planning Department believes the proposed additions to this older structure will help to preserve the existing structure.

C. Landscape Screening

The site has a limited amount of existing vegetation that visually screens the site. As part of the project, the applicants are proposing to install plantings along the southwestern property line to lessen the visual impact of the additions for the abutters on Bow Road. The Planning Department encourages the applicants to consider planting native species with year around vegetation along the southwestern property line. The Planning Department believes that the existing and proposed vegetation are adequate, and no 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 D**). Based on the completed Zoning Review Memorandum, the applicants are seeking the following relief:

- §3.1.9, to exceed the maximum allowed FAR.

B. Engineering Review

The City Engineer submitted an Engineering Review Memorandum (**ATTACHMENT E**) providing an analysis of the project proposal with regard to engineering issues. According to the memorandum, the City Engineer had no significant issues with the revised project plans, and references an earlier memorandum issued by the Associate City Engineer, dated September 29, 2015 (**ATTACHMENT F**). Per the earlier memorandum, it was mentioned that the applicants are intending to install a new drainage system on the site to capture runoff from the new impervious surfaces and infiltrate on-site. The City's Engineering Division of Public Works believes the proposed drainage system is adequately sized, but additional soil testing on-site will be needed.

Should the Council choose to approved this project, any further Engineering Division reviews can be completed during the building permit process.

V. APPLICANT'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- ATTACHMENT A:** Land Use Map
- ATTACHMENT B:** Zoning Map
- ATTACHMENT C:** Topography Map
- ATTACHMENT D:** Zoning Review Memorandum, dated July 1, 2015
- ATTACHMENT E:** Engineering Review Memorandum, dated December 17, 2015
- ATTACHMENT F:** Engineering Review Memorandum, dated September 29, 2015

# Land Use Map 239 Cypress Street

*City of Newton,  
Massachusetts*

## ATTACHMENT A

### Legend

- Building Outlines
- Property Boundaries
- Land Use**
  - Single Family Residential
  - Multi-Family Residential
  - Open Space
  - Nonprofit Organizations
  - Vacant Land

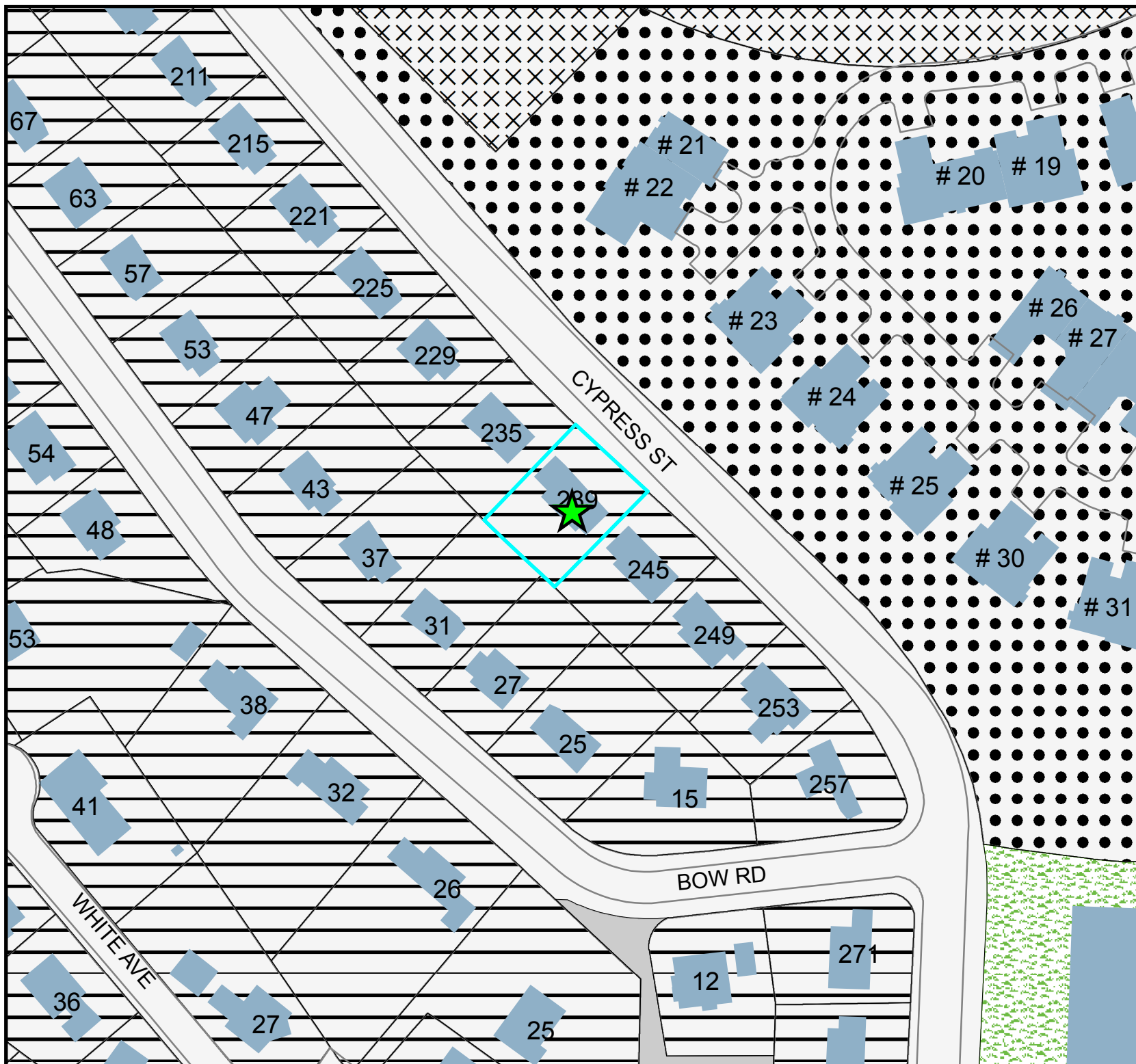


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100  
Feet

Map Date: December 03, 2015











# Topography Map 239 Cypress Street

*City of Newton,  
Massachusetts*

## ATTACHMENT C

### Legend

-  Building Outlines
-  Property Boundaries
- Contour Lines**
  -  Two Foot Contour
  -  Index (10 Foot) Contour



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0 12.5 25  
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Map Date: December 03, 2015





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## ATTACHMENT D

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James Freas  
Acting Director

### ZONING REVIEW MEMORANDUM

Date: December 3, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Thomas Chalmers, Architect  
Brendan Everett, Applicant  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR

Applicant: Brendan Everett	
Site: 239 Cypress Street	SBL: 65015 0026
Zoning: SR-3	Lot Area: 5,490 square feet
Current use: Single-family dwelling	Proposed use: No change

#### BACKGROUND:

The property at 239 Cypress Street consists of a 5,490 square foot lot improved with a single-family residence constructed in 1927. The structure consists of two and one-half stories and a basement. The applicant proposes a rear addition to the basement and first floor, as well as enlarging an existing attic dormer, which will exceed the allowable FAR.

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

- Zoning Review Application, prepared by Thomas Chalmers, architect, submitted 2/11/2015, revised 12/2/2015
- FAR Worksheet, stamped by Thomas Chalmers, architect, submitted 2/11/2015, revised 12/2/2015
- Site Plan, signed and stamped by Frank Iebba, surveyor, and Thomas Chalmers, architect dated 2/6/2015, revised 12/2/2015
- Architectural Plans, signed and stamped by Thomas Chalmers, architect, dated 2/6/2015, revised 12/2/2015

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicants' existing FAR is .42, where .48 is the maximum allowed. The proposed addition adds 725 square feet to the dwelling. These additions result in an FAR of .55. A special permit pursuant to Section 3.1.9 is required.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	<b>5,490 square feet</b>	No change
Frontage	70 feet	<b>65 feet</b>	No change
Setbacks <ul style="list-style-type: none"><li>• Front</li><li>• Side</li><li>• Rear</li></ul>	25 feet 7.5 feet 15 feet	26.1 feet 7.5 feet 22 feet	No change No change 17.6 feet
Building Height	36	28.7 feet	29.8 feet
Max Number of Stories	2.5	2.5	No change
FAR	.48	.42	<b>.55</b>
Max Lot Coverage	30%	20.4%	28.7%
Min. Open Space	50%	70%	57.3%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9	Request to exceed FAR	S.P. per §7.3

# ATTACHMENT E

City of Newton



**DEPARTMENT OF PUBLIC WORKS**  
**ENGINEERING DIVISION**  
OFFICE OF THE CITY ENGINEER  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

Setti D. Warren  
Mayor

December 17, 2015

To: Alderman Marc Laredo, Land Use Committee Chairman

From: Louis M. Taverna, P.E., City Engineer

Subject: Special Permit, 239 Cypress Street

cc: John Daghlion, Associate City Engineer  
Linda Finucane, Associate City Clerk  
Alexandra Ananth, Chief Planner  
Dan Sexton, Sr. Planner

In reference to the above site, we have the following comments for a plan entitled;

*Proposed Addition: 239 Cypress Street, Newton, MA*  
*Prepared by: Essex Engineering and Survey*  
*Dated: November 1, 2015*

Please refer to John Daghlion's memo of September 29, 2015 regarding our initial review of the proposed special permit. The following comments amount to house-keeping items.

- 1) The plans indicate that a dry well is designed to store and infiltrate the net increase of the 100 year stormwater event. We require that an impervious barrier be added to the downstream side of the system. This is not yet shown on the plans, and must be added to the plans. (See Executive Summary note from the September 29, 2015 memo.)
- 2) The test pit was not taken at the proposed location of the dry well. In fact it was taken slightly uphill of the dry well location. The contractor will need to take another test pit prior to construction, to verify the soils, percolation rate and groundwater elevation.
- 3) An operation and maintenance plan for the dry wells needs to be submitted for Engineering Division's review. (See Drainage note 1 from the September 29, 2015 memo.)

A handwritten signature in black ink, appearing to read "Louis M. Taverna".

Louis M. Taverna, P.E.  
City Engineer

# ATTACHMENT F

## CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

### MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 239 Cypress Street

Date: September 29, 2015

CC: Lou Taverna, PE City Engineer  
Linda Finucane, Associate City Clerk  
Alexandria Ananth, Chief Planner  
Dan Sexton, Sr. Planner

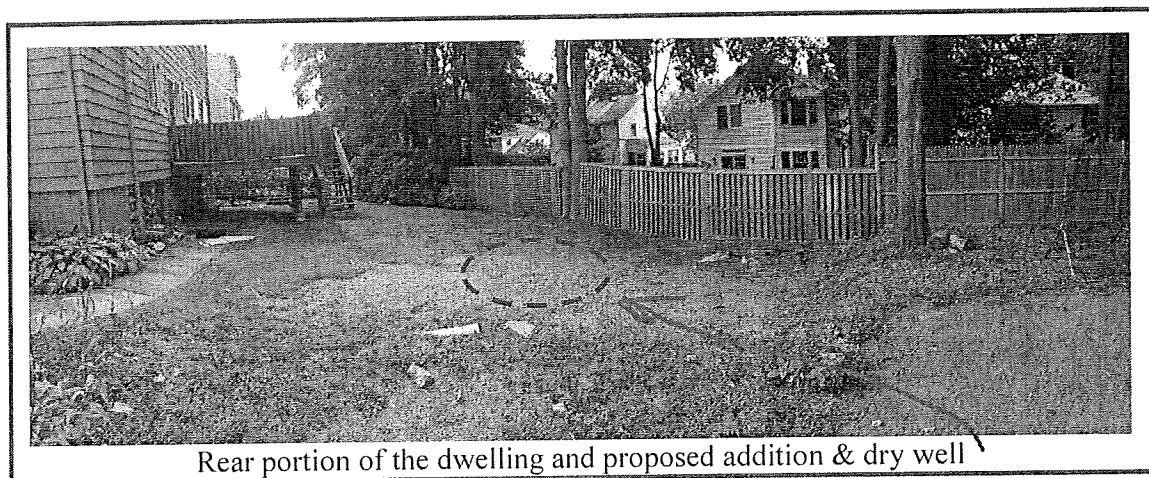
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In reference to the above site, I have the following comments for a plan entitled:

*Proposed Addition 239 Cypress Street  
Newton, MA  
Prepared by: Essex Engineering & Survey  
Dated: Dec. 12 2014*

#### Executive Summary:

The owners of the existing single-family dwelling are proposing to construct an addition to the on the rear of their home, and installing a drainage system to capture the runoff from new impervious surface. The dry well is design to store and infiltrate the net increase of the 100 year storm. I will require that an impervious barrier be added to the downstream side of the system.



Rear portion of the dwelling and proposed addition & dry well

Drainage:

1. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities (i.e. dry-well) needs to be drafted and submitted for review, and approval. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the drainage system will be made available for an inspection. The system shall be fully exposed for

the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*

4. The applicant will have to apply for a Sidewalk Crossing permit with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
7. All site work being completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the Building Permit plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.



CITY OF NEWTON  
Department of Public Works  
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlia, Associate City Engineer

Re: Special Permit – 239 Cypress Street

Date: September 29, 2015

CC: Lou Taverna, PE City Engineer  
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