



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone **#16-16**  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)

James Freas  
Acting Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: February 9, 2016  
Land Use Action Date: April 26, 2016  
Board of Aldermen Action Date: May 2, 2016  
90-Day Expiration Date: May 9, 2016

DATE: February 5, 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 #16-16**, VINCENT NAVE petitions for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE with respect to FAR to enclose portions of decks on the first and second floors to create living space, which will further increase the existing nonconforming Floor Area Ratio from .51 to .54, where .42 is the maximum allowed by right at 30 CAROLINE PARK, Ward 5, Waban, on land known as SBL 53, 36, 2, containing approximately 8,500 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 7.8.2.C.2 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 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.



**30 Caroline Park**

### **EXECUTIVE SUMMARY**

The property located at 30 Caroline Park consists of a 8,500 square foot lot, and is improved with a 2½-story single-family residence built in 1929 in the Single Residence 2 zoning district. The applicant is proposing to enclose portions of decks at the rear of the house on the first and second floors to create living space. To construct the additions, the applicant is seeking a special permit to increase the nonconforming floor area ratio (FAR) from 0.51 to 0.54, where 0.42 is the maximum allowed by right. If approved, the proposed additions will result in a net increase to the existing dwelling by 217 square feet for a total dwelling size of 4,601 square feet.

The Planning Department is not concerned with the enclosure of the decks on this single-family dwelling. The dwelling is located in a neighborhood of other similarly-scaled single-family dwellings and the proposed additions will have no impact on the streetscape. The additions have 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 additions 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 structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood. (§7.8.2.C.2)
- The proposed increase of FAR from 0.51 to 0.54, where .42 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 single-family dwelling, which enlarges the structure by a total of 217 square feet. (§7.3.3.C.1)
- The proposed addition will not adversely affect the neighborhood, as it is a moderately-sized enclosure of existing rear decks to create living space which does not increase the footprint of the existing structure and will not be visible from the street. (§7.3.3.C.2)

#### **II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

##### **A. Neighborhood and Zoning**

The subject property is located on Caroline Park, a residential street located between Brae Burn Country Club and Chestnut Street in Waban. The site is developed with a Tudor-style single-family residence, and is similar in massing and style to several of the homes surrounding it. The dwelling is in keeping with the

larger neighborhood, which is made up of similarly sized and styled single-family dwellings. The site and surrounding area are zoned Single Residence 2 (**Attachments A & B**).

B. Site

The property consists of 8,500 square feet of land, and is improved with a 2½-story single-family residence built in 1929. The surrounding homes on are similarly sized lots. The topography of the neighborhood is relatively flat, though this property slopes downward to the back of the residence creating a three-story dwelling for the purposes of zoning. The residence has vehicular access via a bituminous driveway on the western 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 petitioner is proposing to enclose existing decks on the first and second floors of the structure. The addition will create an enclosed porch on the first floor and a conservatory on the second. If approved, the proposed addition will result in a net increase of the existing dwelling by 217 gross square feet for a total dwelling size of 4,601 square feet, which will increase the FAR from 0.51 to 0.54 where 0.42 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 deck enclosures as they are designed to be consistent with the character of this and neighboring houses. 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.

Landscape Screening

The site has an existing hedgerow along the driveway with the abutting property to the west, and is well vegetated. 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).

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 December 8, 2015

# Land Use Map 30 Caroline Park

*City of Newton,  
Massachusetts*

## Legend

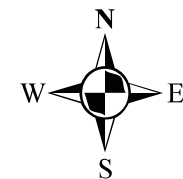
**Land Use**

**Land Use**

 Single Family Residential

 Vacant Land

**Attachment A**



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  
Feet

Map Date: February 03, 2016



# Zoning#Map6 30 Caroline Park

*City of Newton,  
Massachusetts*



Attachment B



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## ZONING REVIEW MEMORANDUM

Date: December 8, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Robert Fizek, Architect  
Vincent and Rayna Nave, Applicants  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to further increase nonconforming FAR**

| Applicant: Brendan Everett          |                             |
|-------------------------------------|-----------------------------|
| Site: 30 Caroline Park              | SBL: 53036 0002             |
| Zoning: SR-2                        | Lot Area: 8,500 square feet |
| Current use: Single-family dwelling | Proposed use: No change     |

### BACKGROUND:

The property at 30 Caroline Park consists of an 8,500 square foot lot improved with a single-family residence constructed in 1929. The structure consists of two and one-half stories and a basement, but the topography is such that for the purposes of zoning, the house is three and one-half stories. The applicants propose to enclose portions of decks on the first and second floors to create living space, which will further increase the nonconforming FAR.

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

- Zoning Review Application, prepared by Robert Fizek, architect, submitted 12/2/2015
- FAR Worksheet, submitted 12/2/2015
- Site Plan, signed and stamped by George C. Collins, surveyor, dated 12/1/2015
- Architectural Plans, prepared by Robert Fizek, architect, dated 9/20/2015, revised 12/2/2015

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicants' existing FAR is .51, where .42 is the maximum allowed (.40 plus the .02 bonus, as the proposed work meets new lot setback requirements). The proposed addition adds 217 square feet to the dwelling, resulting in an FAR of .54. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.

| SR2 Zone                                                                                           | Required                       | Existing                        | Proposed                            |
|----------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------|-------------------------------------|
| Lot Size                                                                                           | 10,000 square feet             | <b>8,500 square feet</b>        | <b>No change</b>                    |
| Frontage                                                                                           | 80 feet                        | 80 feet                         | No change                           |
| Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul> | 25 feet<br>7.5 feet<br>15 feet | 29.1 feet<br>10 feet<br>20 feet | No change<br>No change<br>No change |
| Building Height                                                                                    | 36                             | 32 feet                         | No change                           |
| Max Number of Stories                                                                              | 2.5                            | <b>3.5</b>                      | <b>No change</b>                    |
| FAR                                                                                                | .42 (.40 + .02 bonus)          | .51                             | <b>.54</b>                          |
| Max Lot Coverage                                                                                   | 30%                            | 23.4%                           | 24.8%                               |
| Min. Open Space                                                                                    | 50%                            | 58.8%                           | No change                           |

1. See "Zoning Relief Summary" below:

| Zoning Relief Required |                                               |                        |
|------------------------|-----------------------------------------------|------------------------|
| <i>Ordinance</i>       |                                               | <i>Action Required</i> |
| §3.1.9,<br>§7.8.2.C.2  | Request to further increase nonconforming FAR | S.P. per §7.3          |