



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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**#361-16**

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Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date:	December 13, 2016
Land Use Action Date:	January 24, 2017
City Council Action Date:	February 6, 2017
90-Day Expiration Date:	March 13, 2017

DATE: December 9, 2016

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

SUBJECT: **Petition #361-16**, for SPECIAL PERMIT/SITE PLAN APPROVAL to CONSTRUCT a 1,087 sq. ft. two-story addition to the front of house, resulting in an FAR of .49 where .38 exists and .39 is allowed at **642 Centre Street**, Ward 1, Newton, on land known as SBL 72035 0002, containing approximately 9,600 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 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 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.



**642 Centre Street**

## **EXECUTIVE SUMMARY**

The property at 642 Centre Street consists of a 9,600 square foot lot improved with a 3,643 square foot, two-story single-family residence constructed in 1936. The property, which includes a first story level garage, is located in a Single Residence 3 (SR2) zoning district.

The petitioners propose to construct a 1,087square foot two-story addition to the front of the dwelling, forward of the existing structure, which would include additional first and second floor living space. In order to construct the project, the petitioners require a special permit to increase the floor area ratio (FAR) from 0.38 to 0.49, where 0.39 is the maximum allowed by-right.

The Planning Department notes that while the architecture of the proposed addition complements the existing structure, and that it would be compliant with other applicable dimensional regulations, including front and side setbacks, the petition is requesting a rather significant increase in FAR for the property. Furthermore, the proposed addition would help preserve an existing structure while allowing it to meet the needs of today's families.

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

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

- The proposed increase in FAR from 0.38 to 0.49, where 0.39 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 and §7.3.3).

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

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

The property is located in a Single Residence 2 (SR-2) zoning district. The immediate surrounding area generally consists of single-family dwellings, with some two-family dwellings (including the property abutting directly to the south). A Single Residence 3 (SR-3) district and Multi-Residence 1 (MR-1) district are located approximately 300-350 feet to the north, where multifamily dwellings are more common, including along Bennington Street and Newtonville Avenue (**Attachments A & B**).

#### **B. Site**

The property at 642 Centre Street consists of a level 9,600 square foot lot improved with a 3,643 square foot, two-story single-family residence constructed in 1936. The dwelling includes an attached street-facing first floor two-car-car garage that is accessed via a curb cut and driveway of varying width off Centre Street.

The property contains mature vegetation including shrubbery, lawn and trees, especially along the property boundaries that provides screening from adjacent properties and public ways.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The principal use of the site is and will remain a single-family residence.

#### B. Building and Site Design

The petitioner is proposing to construct a 1,087 square foot, two-story addition to the front of the existing structure. The addition would be built on an on-grade slab, with architecture similar to the existing dwelling, and contain 587 and 500 square feet of living space on the first floor and second floor, respectively. The addition would be lower in height than the existing structure.

The addition would be located forward of the existing structure's front façade, but set back 26.6 feet from the front property line, more than the required 25 feet. The Planning Department notes that the addition's location relative to Centre Street would be similar to that of the abutting dwelling to the north. The addition would be set back 8.1 feet from the right side lot line, more than the required 7.5 feet.

If constructed, the addition would result in a total of 4,730 square feet built on the lot and increase the floor area ratio (FAR) from 0.38 to 0.49, where 0.39 is the maximum allowed by-right. The Planning Department believes that it would be among the larger residential structures in the area, as measured by first and second story floor area and garage space. The parcel's lot coverage would increase from 21% to 27%, but remain below the maximum 30% allowed. The open space on the parcel would correspondingly decrease, from 63.6% to 59.7%, but remain above the required 50%. Since, as the submitted site plan indicates, approximately 203 square feet of driveway pavement will be removed (along the property's southern boundary), there would be an increase of only 375 square feet of impervious area on the property.

As proposed, construction of the proposed addition would require the removal of some shrubbery and a mature tree located in front of the left side of the existing dwelling

#### C. Parking and Circulation

The only changes to parking or circulation the petitioners are proposing is the above-reference removal of approximately 203 square feet of driveway; the existing garage and driveway accessed via Centre Street will remain.

#### D. Landscape Screening

The Planning Department recommends that if this petition is approved, the petitioner be required install additional year-round vegetative plantings, such as evergreen trees, along the front and left property lines, as well as in the area between the existing driveway and the addition, to provide improved screening from abutting properties and public ways. The Planning Department further

suggests that the installation and maintenance of such landscaping be made a condition of any special permit issued for this petition.

#### 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 Memorandum, the petitioner is seeking the following relief:

- Special permit per and §7.3.3 of Section 30, to exceed the maximum floor area ratio (FAR) (§3.1.9.A.2).

##### B. Historic Review

Historic Commission staff reviewed and approved the project, subject only to staff review of final plans, on March 18, 2016.

#### V. PETITIONER'S RESPONSIBILITIES

The Planning Department notes that the site plan included with the petition states the FAR of the project would be 0.50, a slight difference from the 0.49 indicated by the architectural plans and other documentation submitted for review. At the time of this writing the Planning Department is anticipating receiving updated plans resolving this discrepancy and recommends that, if a special permit pursuant to this petition is approved, the petitioners be required to submit such plans to the Planning Department for review and approval prior to the issuance of a building permit and that this be a condition of the special permit.

#### **ATTACHMENTS:**

- |                      |                          |
|----------------------|--------------------------|
| <b>Attachment A:</b> | Land Use Map             |
| <b>Attachment B:</b> | Zoning Map               |
| <b>Attachment C:</b> | Zoning Review Memorandum |
| <b>Attachment D:</b> | DRAFT Order              |



# ATTACHMENT A

## Existing Land Use 642 Centre St.

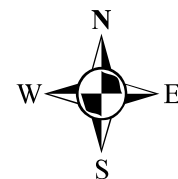
*City of Newton,  
Massachusetts*

### Legend

#### Land Use

#### Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial



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 25 50 75 100 (1:25,000) 0 25 50 (1:25,000) 0 25 50 (1:25,000) Feet

Map Date: December 09, 2016








# ATTACHMENT B

## Zoning 642 Centre St.

*City of Newton,  
Massachusetts*

### Legend

-  Single Residence 1
-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Public Use



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CITY OF NEWTON, MASSACHUSETTS  
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0 25 50 75 100 (23.5) (17.32) (12.25) (9.25) (6.25) (3.125) Feet

Map Date: December 09, 2016



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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: October 17, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Lisa and Josh Schwarzberg, applicants  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR

Applicant: Lisa and Josh Schwarzberg	
Site: 642 Centre Street	SBL: 72024 0002
Zoning: SR-2	Lot Area: 9,600 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 642 Centre Street consists of a 9,600 square foot lot improved with a single-family residence constructed in 1936. The applicant proposes to construct a two-story addition to the front of the house. The addition will exceed the maximum allowable 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 Louisa and Ryan Sylvia, applicants, submitted 4/5/2016
- FAR Worksheet, submitted 4/5/2016
- Plot Plan, signed and stamped by Bruce Bradford, dated 4/5/2016
- Architectural Plans, dated 3/30/2016
  - Existing floor plans
  - Proposed floor plans
  - Elevations

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicants' existing FAR is .38, where .39 is the maximum allowed. The proposed addition adds 1,087 square feet to the dwelling, resulting in an FAR of .49. A special permit pursuant to Section 3.1.9 is required to exceed the maximum allowable FAR.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	<b>9,600 square feet</b>	<b>No change</b>
Frontage	80 feet	85 feet	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	50.3 feet 11.5 feet 24.1 feet	26.6 feet 8.1 feet No change
Max Number of Stories	2.5	2.5	No change
FAR	.39	.38	<b>.49</b>
Max Lot Coverage	30%	21%	27%
Min. Open Space	50%	63.6%	59.7%

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 §7.3.3



### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

#### **The following must be included when filing a Special Permit Application:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Twelve sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

#### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested ~~in order~~ to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N

CITY OF NEWTON

IN CITY COUNCIL

December 19, 2016

ORDERED:

That the City 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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to increase the Floor Area Ratio (FAR) from 0.38 to 0.49, where 0.39 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The expanded structure resulting from the increase in the dwelling's FAR from 0.38 to 0.49, where 0.39 is the maximum allowed by-right, would not be in derogation of the size, scale, and design of other structures in the neighborhood as the proposed addition would meet all other relevant dimensional regulations and be lower than, and constructed in an architectural style complementary to, the existing dwelling (§3.1.9 and §7.3).

PETITION NUMBER:	#361-16
PETITIONERS:	Lisa and Josh Schwarzberg
LOCATION:	642 Centre Street, on land known as Section 72, Block 24, Lot 2, containing approximately 9,600 square feet of land
OWNERS:	Lisa and Josh Schwarzberg
ADDRESS OF OWNERS:	642 Centre Street Newton, MA 02458
TO BE USED FOR:	Single Family Dwelling
CONSTRUCTION:	Brick

EXPLANATORY NOTES: §3.1.96 to exceed the maximum floor area ratio (FAR) allowed by-right

ZONING: Single Residence 2 (SR2) district

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:
  - a. A plan entitled "Topographic Plan, 642 Centre Street, Newton, Massachusetts," showing the proposed addition, prepared by Essex Eng. & Survey, dated June 2, 2016, as revised through September 2, 2016, stamped and signed by Frank Iebba, Professional Land Surveyor.
  - b. A set of architectural plans entitled "Addition / Renovation for the Schwarzberg Residence, 642 Centre Street, Newton, MA," prepared by VW Builders Inc., dated April 8, 2016, as revised through August 11, 2016:
    - i. basement / foundation plan (A-0);
    - ii. proposed first floor plan (A-1);
    - iii. proposed second floor plan (A-2);
    - iv. proposed roof plan (A-3);
    - v. front elevation and right side elevation (A-4);
    - vi. existing first floor plan (D-1);
    - vii. existing second floor plan (D-2).
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have submitted to the Director of Planning and Development a final site plan for review and approval indicating a floor area ratio (FAR) consistent with the above-referenced architectural plans.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - a. Recorded a certified copy of this order for the approved Special Permit/Site Plan Approval 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.

- d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Historic Commission staff approving the final plans.
  - e. Filed a Final Landscape Plan to the Director of Planning and Development for review and approval.
  - f. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1, including the floor area ratio (FAR) of the structure.
  - 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.
  - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
  - d. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials and landscape features.
5. Notwithstanding the provisions of Condition #4 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.
6. The landscaping shown on the approved Final Landscape Plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.