

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON

Massachusetts

INTER-OFFICE CORRESPONDENCE

DATE: August 11, 2017

TO: All Members, City Council

FROM: Neil Cronin, Senior Planner

SUBJECT: Special Permit #126-17, 208 Homer Street

Attached is the Council Order for the above Special Permit petition which was approved by the Land Use Committee on June 6, 2017. The item was approved Subject to Second Call because the Committee wanted to clarify a note on the attached site plan prepared by Bruce Bradford of Everett Brooks.

The note pertains to the existing and proposed square footage of the building(s) on site and indicates that the existing garage is excluded from the existing square footage calculation per Section 1.5.2.D.2 of the Newton Zoning Ordinance. The Committee questioned whether this reference was in relation to the floor area ratio calculation; however the note was made in reference to the lot coverage calculation.

Section 1.5.2.D.2 states that, "The lot coverage requirements contained in Section 3.1 shall not apply to the erection or construction of a private garage in connection with or accessory to a building which was in existence on December 27, 1922, and designed or used as a single- or two-family residence." Since the dwelling was constructed in 1896 and the garage was constructed in 1906, the surveyor was stating that the existing garage is exempt from the lot coverage calculation. As part of the special permit petition, the existing garage will be razed and the new garage will be located in the basement of the addition. The surveyor stated the proposed addition, in its entirety, is included in the proposed lot coverage calculation and is in compliance with the lot coverage requirement of an old lot in the Single Residence 2 zone.

Additionally, the Council Order approved by the Committee on June 6, 2017 contained a condition requiring the petitioner to submit a landscape plan to the Director of Planning and Development prior to the issuance of a building permit. The landscape plan would show that an existing tree between the dwelling and the eastern boundary would be retained. However, at the petitioner's request, the Committee will consider amending this condition to require adequate landscape screening along the eastern boundary in the landscape plan to be reviewed and approved by the

Director of Planning and Development. The revised language can be found in Condition #3.e of the attached Council Order.

Please call me if you have any further questions regarding this subject.

Thank you.

cc: Planning Department Files
City Clerk Files

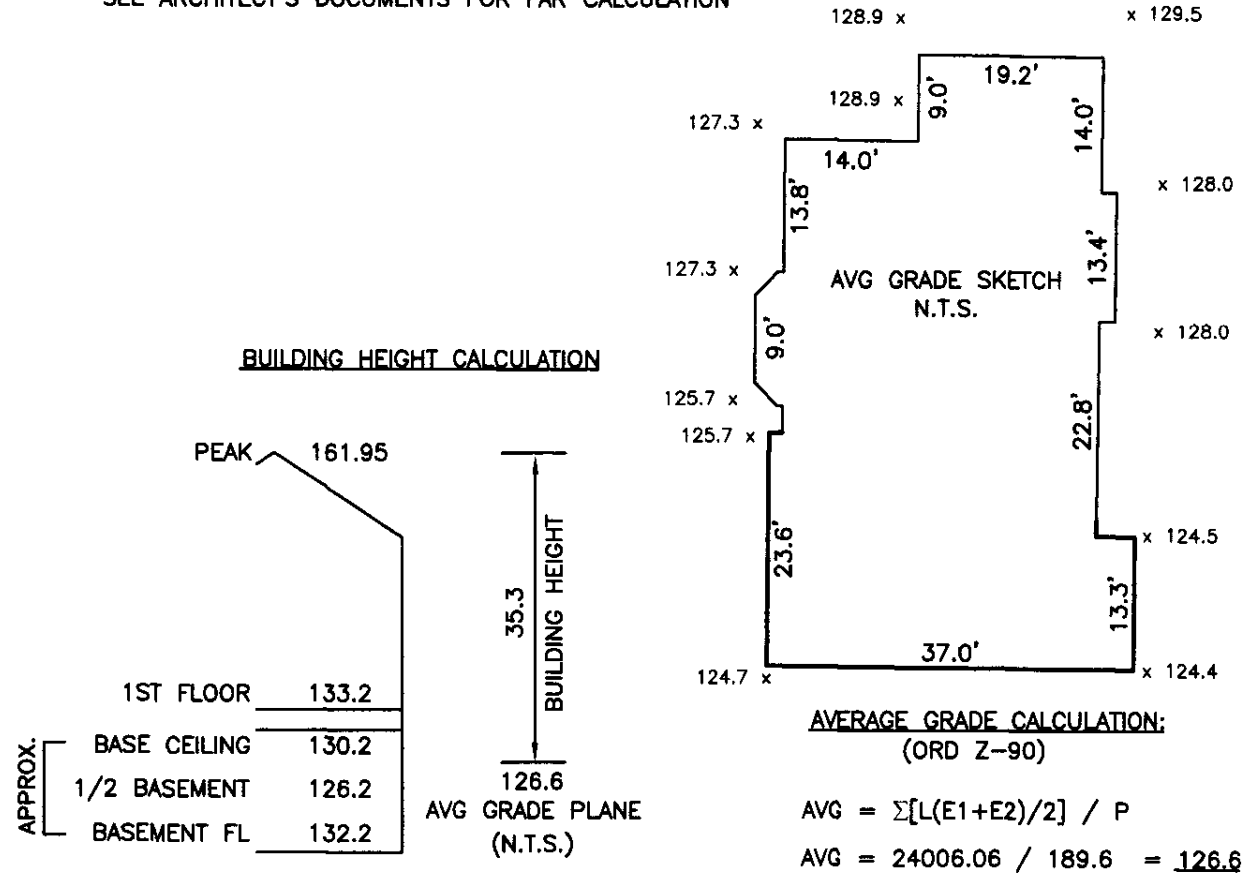
INCREASE TO IMPERVIOUS AREA CALCULATION
(PROP ADD + PROP DRIVE) - (DRIVE TBR - GARGE TBR) =
(720 SF + 369 SF) - (503 SF + 277 SF) = 309 SF
ALLOWABLE = 0.04 X 8321 = 333 SF

ZONING INFORMATION

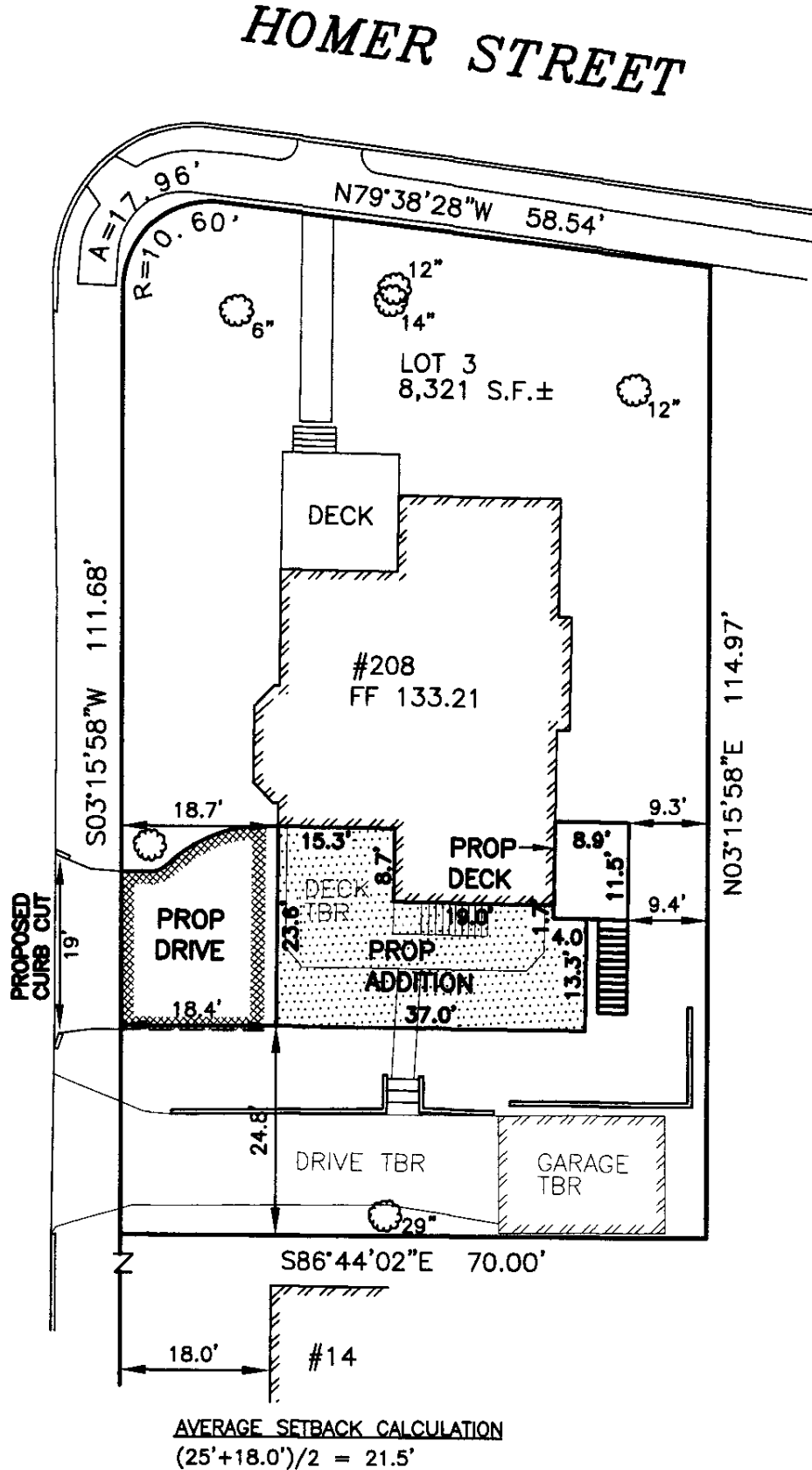
ZONE: SR2
PLAN DATED: JANUARY 1896
DEED REFERENCE: BOOK 54609 PAGE 24

	EXISTING	PROPOSED	REQUIRED
BUILDINGS*	1,596 S.F.	2,285 S.F.	
*EXCLUDES GARAGE PER SECTION 1.5.2.D.2			
STRUCTURES	2,240 S.F.	2,697 S.F.	
DRIVE	503 S.F. ±	905 S.F. ±	
	2,743 S.F. ±	3,602 S.F. ±	
LOT COVERAGE	19.2%	27.8%	(30% MAX.)
OPEN SPACE	67% ±	56% ±	(50% MIN.)

ZONING COMPLIANCE DETERMINED BY MUNICIPALITY.
SEE ARCHITECT'S DOCUMENTS FOR FAR CALCULATION



TARLETON ROAD



ESTABLISHED 1916

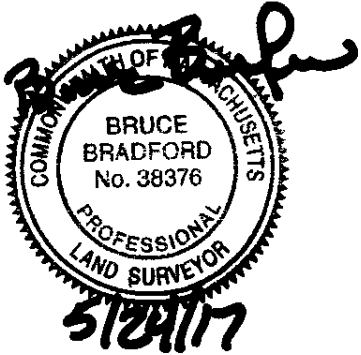
EMB

EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS

49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750
(617) 332-1578 FAX
info@everettbrooks.com

TBR = TO BE REMOVED



**PLAN OF LAND IN
NEWTON, MA**

208 HOMER STREET
PROPOSED ADDITIONS

SCALE: 1 IN. = 20 FT.
DATE: APRIL 20, 2017
DRAWN: GA
CHECK: BB

REVISIONS:	
5/24/17	IMPERVIOUS CALCULATION

PROJECT NO. 25138

CITY OF NEWTON
IN CITY COUNCIL

August 14, 2017

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 further decrease a nonconforming front setback from 21.5 feet to 18.6 feet, where 21.5 feet is the minimum allowed by right, and further increase the nonconforming floor area ratio from 0.52 to 0.61 where 0.41 is the maximum allowed as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed reduction in the nonconforming front setback is not substantially more detrimental than the existing setback is to the neighborhood given that at its greatest the reduction is approximately three inches (§3.1.3 and §7.8.2.C.2).
2. The proposed structure with a floor area ratio (FAR) of 0.61 where 0.41 is allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood and it will be lower than, and subordinate in scale, to the existing structure (§3.1.9).
3. The proposed increase in the nonconforming floor area ratio is not substantially more detrimental than the existing floor area ratio is to the neighborhood as the proposed addition will utilize the site's sloping grade to provide enclosed attached parking spaces, be lower than, and subordinate in scale, to the existing structure, and conform with side and rear setback requirements (§7.8.2.C.2).

PETITION NUMBER: #126-17

PETITIONER: Peter Sachs

LOCATION: 208 Homer Street, on land known as Section 64, Block 19,
Lot 1, containing approximately 8,321 square feet of land

OWNER: Adil and Alexandra Diouri

ADDRESS OF OWNER: 208 Homer Street
Newton, MA

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend a nonconforming front setback and §3.1.9 and §7.8.2.C.2 to further increase the nonconforming floor area ratio

ZONING: Single Residence 1 (SR1) 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 site plan entitled "Plan of Land in Newton, MA, 208 Homer Street, Proposed Additions, prepared by Everett M. Brooks Co. signed and stamped by Bruce Bradford, Professional Land Surveyor, dated April 20, 2017, as revised through May 24, 2017;
 - b. A set of architectural plans entitled "Douri Residence, 208 Homer Rd (*sic*), Newton, MA", prepared by Peter Sachs Architect, signed and stamped by Peter Sachs, Registered Architect, consisting of the following sheets:
 - i. Title Sheet (A-0), dated 4/19/2017;
 - ii. Progress Set Basement Floor Plan (A-1), dated 4/19/2017;
 - iii. Progress Set First Floor Plan (A-2), dated 4/19/2017;
 - iv. Progress Set Second Floor Plan (A-3), dated 4/19/2017;
 - v. Progress Set Roof Floor (*note*: Attic) Plan (A-4), dated 4/19/2017;
 - vi. Progress Set Roof Floor Plan (A-5), dated 4/19/2017;
 - vii. Progress Set Front Elevation (A-6), dated 4/19/2017;
 - viii. Progress Set Right Elevation (A-7), dated 4/19/2017;
 - ix. Progress Set Back Elevation (A-8), dated 4/19/2017;
 - x. Progress Set Left Elevation (A-9), dated 4/19/2017;
 - xi. Progress Set Window/Door Schedule (A-10), dated 4/19/2017;
 - xii. Progress Set Section 2 (A-11), dated 4/19/2017;
 - xiii. Progress Set Site Plan- Bsmt (A-12), dated 4/19/2017;
 - xiv. Progress Set Site Plan- First (A-13), dated 4/19/2017;

- xv. Existing First Floor Plan (EX-0), dated 4/19/2017, revised through 12/13/2016;
 - xvi. Existing Basement Floor Plan (EX-1), dated 4/19/2017, revised through 12/13/2016;
 - xvii. Existing Basement Floor Plan (EX-1), dated 4/19/2017, revised through 12/13/2016;
 - xviii. Existing First Floor Plan (EX-2), dated 4/19/2017, revised through 12/13/2016;
 - xix. Existing Second Floor Plan (EX-3), dated 4/19/2017, revised through 12/13/2016;
 - xx. Existing Roof Floor Plan (*note: Attic*) (EX-4), dated 4/19/2017, revised through 12/13/2016;
 - xxi. Existing Roof Floor Plan (EX-5), dated 4/19/2017, revised through 12/13/2016;
 - xxii. Existing Front Elevation (EX-6), dated 4/19/2017, revised through 12/13/2016;
 - xxiii. Existing Right Elevation (EX-7), dated 4/19/2017, revised through 12/13/2016;
 - xxiv. Existing Back Elevation (EX-8), dated 4/19/2017, revised through 12/13/2016;
 - xxv. Existing Left Elevation (EX-9), dated 4/19/2017, revised through 12/13/2016;
 - xxvi. Existing Section 1 (EX-10), dated 4/19/2017, revised through 12/13/2016;
 - xxvii. Existing Section 2 (EX-11), dated 4/19/2017, revised through 12/13/2016.
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
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 board 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 board 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 - e. Submitted a Final Landscape Plan to the Director of Planning and Development for review and approval. Said plan shall include screening along the eastern boundary.
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 an architect and land surveyor 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 an architect and licensed land surveyor including the as built floor area ratio of the structure.
- c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
- d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Engineering Division of Public Works a statement from the Department of Planning and Development approving the final location, number and type of plant materials and final landscape features consistent with the approved Final Landscape Plan.