



#283-17

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Setti D. Warren
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	October 3, 2017
Land Use Action Date:	December 12, 2017
City Council Action Date:	December 18, 2017
90-Day Expiration Date:	January 1, 2018

DATE: September 29, 2017

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Michael Gleba, Senior Planner

SUBJECT: **Petition #283-17**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three additions including a mudroom, a second floor addition over an existing porch and extension of a kitchen, further extending the nonconforming FAR from .40 to .44 where .39 is allowed at **715 Commonwealth Avenue**, Ward 2, on land known as Section 13, Block 33, Lot 08, containing approximately 9,105 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 3.1.3, 7.8.2.C.2 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 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.



715 Commonwealth Avenue

EXECUTIVE SUMMARY

The subject property at 715 Commonwealth Avenue consists of a 9,105 square foot lot in a Single Residence 2 (SR2) district. The parcel is improved with a 2 ½ story, 3,704 square foot single-family dwelling constructed in 1919 and a detached 462 square foot garage. The petitioner proposes to construct three additions that would add living space to the rear and right side of the dwelling, including a first floor kitchen expansion with a mudroom and a second floor addition over an existing first floor porch, adding a total of 320 square feet. The proposed additions will further increase the nonconforming floor area ratio (FAR) from 0.40 to 0.44 where 0.39 is the maximum allowed, requiring a special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 of the Newton Zoning Ordinance.

The Planning Department is generally not concerned with the proposed additions given their scale, locations on the property and their limited visual impact on adjoining properties and public ways. Furthermore, the proposed additions will help preserve an existing dwelling 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 structure with a floor area ratio (FAR) of 0.44 where 0.39 is 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 proposed increase of the nonconforming floor area ratio (FAR) to 0.44 where 0.40 is allowed by right will be substantially more detrimental than the existing nonconforming FAR of 0.39 is to the neighborhood (§7.8.2.C.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The surrounding neighborhood is uniformly zoned as Single Residence 1 (SR1). The neighborhood's land uses reflect this zoning, with exceptions being several two-family residences to the west along Ransom Road and Congregation Beth-El one block to the north (**Attachments A & B**).

B. Site

Located on the north side of Commonwealth Avenue between Ransom Road and Nathan Road, the property is a 9,105 square foot triangular lot improved with a 2 ½ story, 3,704 square foot single-family dwelling constructed in 1919 as well as a detached 462 square foot garage accessed via a 9.5 foot wide driveway and

associated curb cut off Commonwealth Avenue's Carriage Road. The property, which narrows toward the rear and has a low retaining wall along its front property line, is level and features mature vegetation, including shrubbery in the front, and lawn areas.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building Design

The petitioner proposes to construct three small additions that would add living space to the rear and right side of the dwelling. The additions include a first floor kitchen expansion and a mudroom and additions to the second floor, a portion of which would be located over an already existing first floor porch. These additions, which measure a total of 320 square feet, would add 134 and 186 square feet, respectively, to the first and second floors and further increase the nonconforming floor area ratio (FAR) from 0.40 to 0.44 where 0.39 is the maximum allowed by-right.

The front and side setbacks would remain unchanged (the second floor additions would be located along the dwelling's right side but not decrease its existing 9.5 foot side setback). While the rear setback would be reduced from 81.4 to 72.3 feet (as measured from the proposed new porch at the rear right of the dwelling), it would remain well above the required 15 feet.

As all of the additions would be lower in height than the existing structure, the dwelling's height would not change. The parcel's lot coverage would increase from 21.8% to 23.6%, but remain below the maximum 30% allowed. The open space on the parcel would decrease, from 66% to 64.2%, but remain above the required 50%.

C. Parking and Circulation

No changes related to parking or circulation are contemplated by this petition.

D. Landscape Screening

A landscape plan was not required with 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 §7.3.3:

- to further increase the nonconforming floor area ratio (FAR) (§3.1.9; §7.8.2.C.2).

B. Engineering Review

No engineering review is required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this project be approved.

C. Newton Historical Commission

On July 24, 2017 Newton Historical Commission staff reviewed and approved the project based on submitted materials, requiring only the review of final plans.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

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

ATTACHMENT A

Land Use






715 Commonwealth Ave.

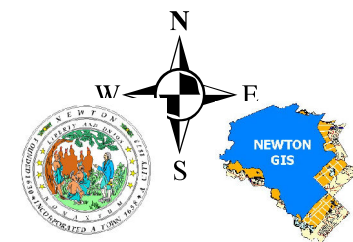
*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Nonprofit Organizations
-  Vacant Land

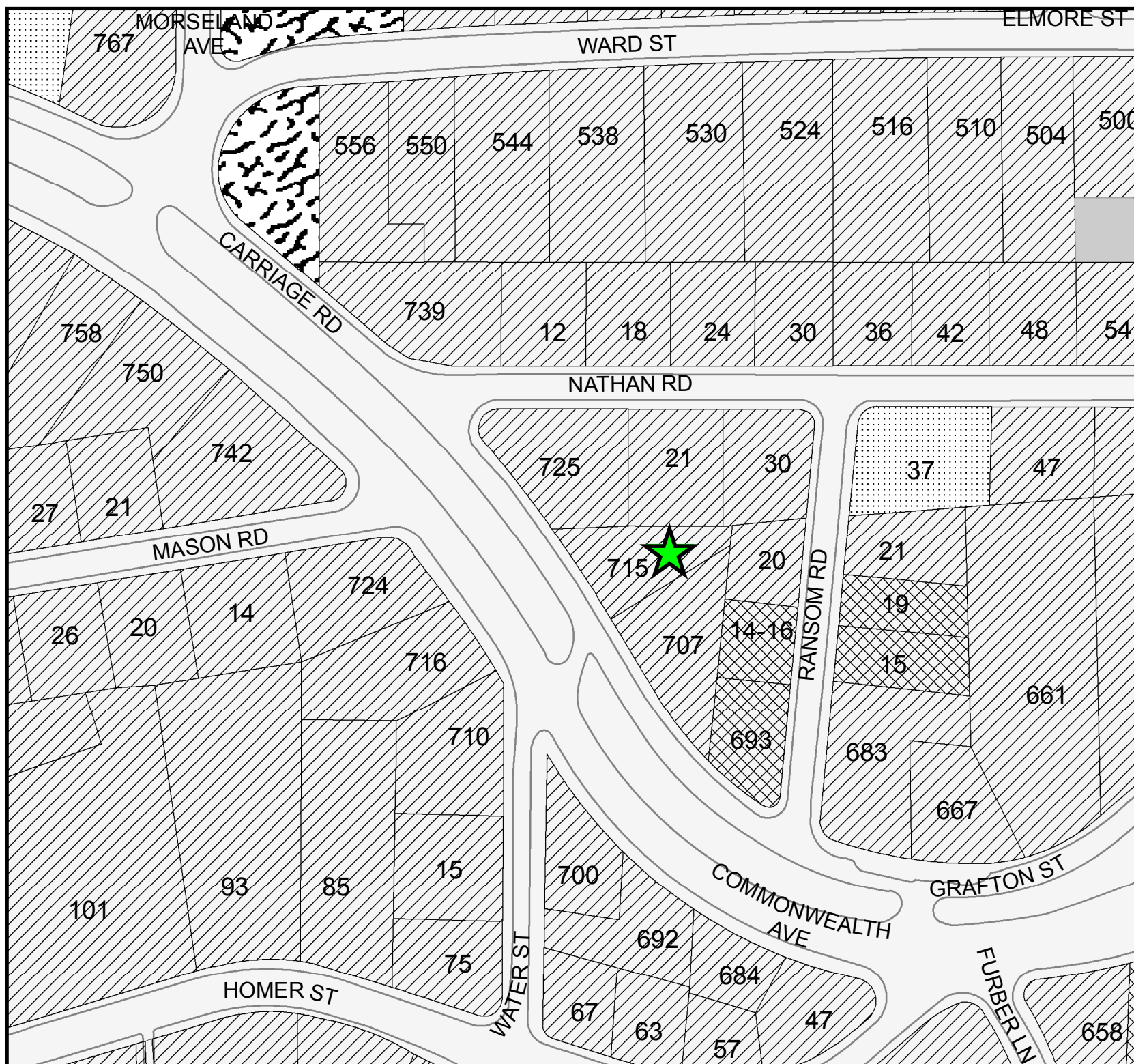


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.5 25 50 75 100 125 150 175 Feet

Map Date: September 28, 2017



ATTACHMENT B

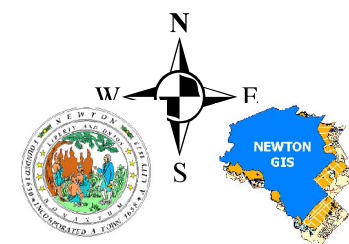
Zoning

**715 Commonwealth
Ave.**

*City of Newton,
Massachusetts*


Legend

 Single Residence 2

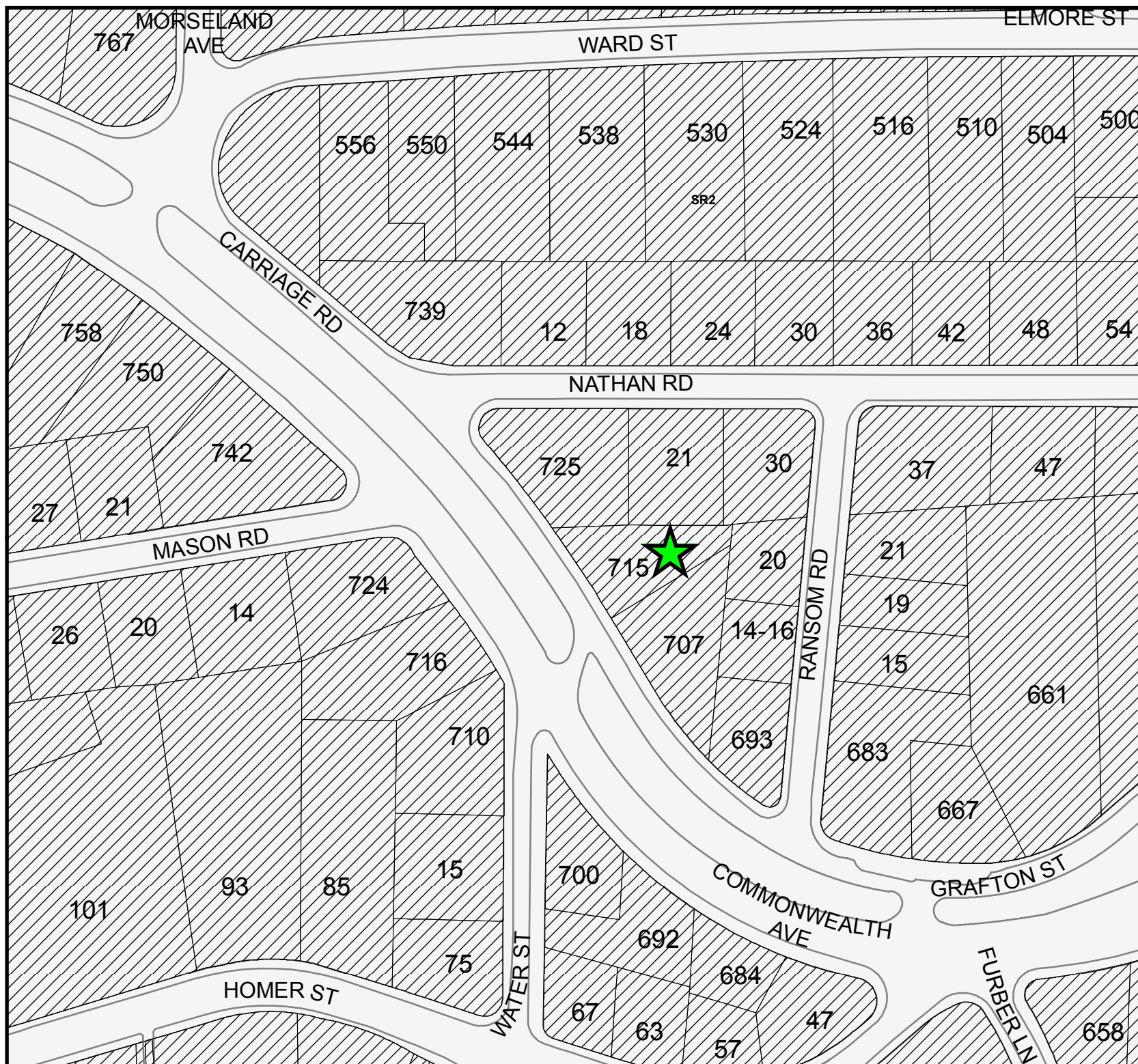


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0 12.5 25 50 75 100 125 150 175
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 8, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: G. Michael Peirce, Attorney
David Boruchoff, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to further increase nonconforming FAR

Applicant: David Boruchoff	
Site: 715 Commonwealth Avenue	SBL: 13033 0008
Zoning: SR2	Lot Area: 9,105 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 715 Commonwealth Avenue consists of a 9,105 square foot lot improved with a single-family dwelling constructed in 1919 and a detached garage. The applicant proposes to construct three additions consisting of a first floor kitchen expansion with a mudroom and a second floor addition over an existing first floor porch, adding a total of 320 square feet. The proposed additions will further increase the nonconforming FAR, requiring a special permit.

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

- Zoning Review Application, prepared G. Michael Peirce, attorney, submitted 7/13/2017
- FAR calculations, prepared by VTP Associates, dated 6/20/2017
- Area Plan, signed and stamped by Joseph R. Porter, surveyor, dated 6/26/2017
- Existing Conditions Plan, signed and stamped by Joseph R. Porter, surveyor, dated 4/7/2017
- Proposed Conditions Plan, signed and stamped by Joseph R. Porter, surveyor, dated 6/20/2017
- Floor Plans, prepared by Space Craft Architecture, Architect, dated 6/20/2017

ADMINISTRATIVE DETERMINATIONS:

1. The applicants' existing FAR is .40, where .39 is the maximum allowed. The proposed additions add 320 square feet to the dwelling, resulting in an FAR of .44. 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	9,105 square feet	No change
Frontage	100 feet	110.5 feet	No change
Setbacks			
• Front	25 feet	19.9 feet	No change
• Side	7.5 feet	7.4 feet	No change
• Rear	15 feet	81.4 feet	72.3 feet
Max Number of Stories	2.5	2.5	No change
FAR	.39	.40	.44
Max Lot Coverage	30%	21.8%	23.6%
Min. Open Space	50%	66%	64.2%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3

ATTACHMENT D

DRAFT- #283-17

715 Commonwealth Avenue

CITY OF NEWTON IN CITY COUNCIL

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 increase the nonconforming floor area ratio (FAR) from 0.40 to 0.44 where 0.39 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 structure with a floor area ratio (FAR) of 0.44 where 0.39 is 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).
2. The proposed expanded structure will not be substantially more detrimental to the neighborhood than the existing structure given the proposed additions' small scale and conformance with other relevant dimensional requirements, as well their limited visual impact on adjoining properties and public ways (§7.8.2.C.2).

PETITION NUMBER: #283-17

PETITIONER: David Boruchoff, Trustee, Boruchoff-Newton Nominee Trust

LOCATION: 715 Commonwealth Avenue, on land known as Section 13, Block 33, Lot 8, containing approximately 9,105 square feet of land

OWNER: David Boruchoff, Trustee, Boruchoff-Newton Nominee Trust

ADDRESS OF OWNER: 715 Commonwealth Avenue
Newton, MA

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §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 "Topographic Site Plan, Newton, Massachusetts Showing Existing Conditions at #715 Commonwealth Avenue," prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated April 7, 2017;
 - b. A site plan entitled "Topographic Site Plan, Newton, Massachusetts Showing Proposed Conditions at #715 Commonwealth Avenue," prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated June 20, 2017;
 - c. A set of architectural plans entitled "Proposed Residence, 715 Commonwealth Avenue, Newton, MA 02459," prepared by SpaceCraft Architecture, Inc., signed and stamped by Sally Degan, dated August 23, 2017, consisting of the following sheets:
 - i. Existing Floor Plans (X101);
 - ii. Floor Plan (A101);
 - iii. Proposed Elevations.
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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Newton Historical Commission approving the final plans.
 - e. 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 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.