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PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 10, 2018
Land Use Action Date: June 26, 2018
City Council Action Date: July 2, 2018
90-Day Expiration Date: July 9, 2018

DATE: April 6, 2018

TO: City Council

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

SUBJECT: **Petition #177-18**, to construct a two-story addition to the rear and side of the house, extending the existing non-conforming structure at **36 Cummings Road**, Ward 2, Newton Centre, on land known as Section 64 Block 03 Lot 47, containing approximately 18,866 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 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 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.



36 Cummings Road

EXECUTIVE SUMMARY

The property at 36-40 Cummings Road consists of an 18,866 square foot “panhandle” lot in a Single Residence 2 (SR2) zoning district. The lot, which has existed in its current configuration since at least 1925, is improved with two single-family dwellings, 36 and 40 Cummings Road. The former currently contains approximately 1,343 square feet of floor area, the latter 1,498 square feet.

The applicants propose to construct an 2-story, 1,365 square foot addition to the rear and side of 36 Cummings Road; 40 Cummings Road will remain unchanged. As two detached single-family dwellings currently exist on the parcel and only one primary structure is allowed per lot in a SR2 district, a special permit per section 7.8.2.C.2. is required to extend the nonconforming use of the property for two single-family dwellings.

Although it would double 36 Cummings Road’s current size, the Planning Department is generally not concerned with the construction of the proposed addition as the resulting aggregate floor area ratio (FAR) for the two structures on the parcel, approximately 0.22, would remain well below the 0.33 allowed; the expanded dwelling would comply with other dimensional regulations; and, given the relatively large size of the property and its location within it, the addition would have limited visibility from public ways.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- Whether the proposed extension of the existing nonconforming use of a Single Residence 2 (SR2) zoned parcel for two single family dwellings with the construction of an addition to one of said two dwellings would not be substantially more detrimental than the existing nonconforming use to the neighborhood. (§7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property, which directly abuts Newton Cemetery to the east, is located on the east side of Cummings Road, about 300 feet south of Homer Street. The residential properties in the vicinity along Cummings Road and the adjacent North Street are zoned Single Residence 2 (SR2) and vary considerably in lot and house size. The neighborhood is almost completely ringed by nonresidential properties, including the electric substation located at 374 Homer Street, a small retail use, the Public Use (PUB) zoned City Hall and Newton Free Library and the Open Space/Recreational (ORD) zoned Newton Cemetery (**Attachments A & B**).

B. Site

The property consists of an 18,866 square foot panhandle lot improved with two single-family dwellings. The property is accessed by a single curb cut and a concrete and gravel driveway, located within the panhandle portion of the lot, which leads to paved parking areas for the two dwellings.

The site's grade varies by about 5 feet from front to rear, with its high point located near the location of 40 Cummings Road, and a retaining wall defines the rear and right sides of the paved parking area on the left side of 36 Cummings Road. Each of the two dwellings has separate backyard spaces enclosed by vegetative screening and/or fencing; 36 Cummings Road features a shed that would be removed as it occupies a portion of the area to be used for the proposed addition.

A City drainage and sewer easement is located along the of the rear property.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain two single family dwellings.

B. Building and Site Design

The petitioner is proposing to expand 36 Cummings Road by approximately 1,498 square feet. The addition would be comprised of two connected elements- a two-story section to the rear of the dwelling that would provide additional space on the first floor as well as second floor space; and an attached one-car garage, with additional first floor space above, on the left side of the dwelling. The latter would be constructed generally in an area now occupied by a paved parking area and a retaining wall delimiting it from the existing dwelling. A retaining wall and associated staircase would be built between the addition and the property line to address the front-to-rear grade change in that location. 40 Cummings Road would remain unchanged.

The material submitted with the petition indicates that with the proposed addition would increase the parcel's total floor area ratio (FAR) (i.e., inclusive of both dwellings) from 0.15 to 0.22, remaining below the maximum 0.33 allowed by right. The Lot Coverage would increase from 9.3% to 13.3% but remain below the maximum 30.0% allowed; the Open Space percentage would decrease slightly from 69.4% to 67.3% but would remain above the required 50%.

It should be noted that the Floor Area Ratio (FAR) information submitted for this petition is somewhat unclear as to the measurement of first floor and attached garage space. That said, it appears that any discrepancy would likely amount to approximately 300

square feet which would change the final FAR by about 0.02, keeping the proposal well below the maximum 0.33. The Planning Department is working with the petitioner to resolve this discrepancy so as to be able to jointly address this issue in advance of or at the public hearing.

If necessary, the Planning Department recommends that a revised FAR Worksheet be submitted and the FAR information on the proposed site plan be rectified and, in the event this petition is granted, such changes be made conditions of any resulting order.

Regarding 36 Cummings Road's other dimensional requirements, the front setback would remain unchanged, as would the right (south) side setback. While the proposed addition would decrease the left (north) side setback to 8 feet from its current 24.5 feet, it would remain greater than the minimum 7.5 feet required. The rear set back would also be reduced, from 78.8 to 63.2 feet, but it would remain greater than the minimum 15 feet required. The two-story portion of the addition would increase the dwelling's height from 19 to 34 feet, below the maximum 36 feet.

C. Parking and Circulation

As referenced above, a portion of the addition including a garage will be located generally in area now occupied by a paved parking area, thus providing an enclosed parking stall. No other changes to parking or vehicular circulation are proposed.

D. Landscape Screening

A landscaping plan was not submitted with this petition. Planning staff recommends that the petitioner consider installing year-round vegetative screening along the property's left (north) boundary line in the vicinity of the proposed addition.

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 to allow for the extension of an existing nonconforming use (§7.8.2.C.2)

B. Engineering Review

The Associate City Engineer submitted an Engineering Review Memorandum (**Attachment D**) providing an analysis of the project proposal with regard to engineering issues.

V. PETITIONER'S RESPONSIBILITIES

As discussed above, the Planning Department suggests that the petitioner be prepared to address and clarify the FAR issue in advance of, or at the public hearing, including, if appropriate, providing a revised FAR Calculation Worksheet and site plans.

ATTACHMENTS:

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** Associate City Engineer's Memorandum
- Attachment E:** DRAFT Order