



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
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**#214-18**  
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Barney Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: May 8, 2018  
Land Use Action Date: July 3, 2018  
City Council Action Date: July 9, 2018  
90-Day Expiration Date: August 6, 2018

DATE: May 4, 2018

TO: City Council

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

SUBJECT: **Petition #214-18**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to relocate stairs and enclose an existing porch, further increasing the existing nonconforming lot coverage and nonconforming FAR to .63 where .59 exists and .44 is allowed at **458 Woodward Street**, Ward 5, Waban, on land known as Section 53, Block 26, Lot 16, containing approximately 6,276 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.3, 3.1.9, 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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



**458 Woodward Street**

### **EXECUTIVE SUMMARY**

The property at 458 Woodward Street consists of a 6,276 square foot “old lot” in a Single Residence 2 (SR2) district improved with a single-family residence constructed in 1911 and a detached garage structure constructed in 1912. The petitioner proposes to enclose an existing porch at the rear of the dwelling and construct new associated stairs and landing area.

As proposed, enclosing the porch would add 240 square feet to the dwelling and increase the property’s already nonconforming floor area ratio (FAR) of 0.59 to 0.63 where 0.44 is the maximum allowed. The proposed work, including the construction of the new stairs and landing area would also further increase the property’s already nonconforming lot coverage by 1% from 39% to 40% where a maximum of 30% lot coverage is allowed. The proposed increases of the nonconforming FAR and lot coverage require a special permit pursuant to Sections 3.1.9 and 7.8.2.C.2.

The Planning Department is generally not concerned with the proposed enclosure or the rear porch and construction of an associated stair and landing area as the work will not increase the footprint of the dwelling and, given that it is in the rear of the of the property, it will not be visible from adjoining public ways.

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

When reviewing this request, the Council should consider whether:

- The proposed increase of the nonconforming *FAR* from 0.59 to 0.63 where 0.44 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.A.2);
- The proposed increase of the nonconforming *FAR* from 0.59 to 0.63 where 0.44 is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood (§7.8.2.C.2);
- The proposed increase of the nonconforming lot coverage from 39% to 40%, where 30% is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood (§7.8.2.C.2).

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

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

The property is located on the south side of Woodward Street, at its intersection with Pine Ridge Road, in Waban Square which features a mix of many uses, including residential (single- and multi- family), commercial and open space (**Attachment A**). The property is directly abutted by a bank, stores, a post office, and a single-family dwelling; a library is directly across the street. While the site and much of the

surrounding area is zoned Single Residence 2 (SR2), the neighborhood also has Mutli-Residence 2 (MR2) and Multi-Residence 3 (MR3), Business (BUS) and Public Use (PUB) zoned properties as well. (**Attachment B**).

B. Site

The subject property consists of a 6,276 square foot lot improved with a single-family dwelling and a detached garage structure. Vehicular access to the lot is provided via a curb cut and a driveway on the right side that leads to a porte-cochère. The lot is level and attractively landscaped with trees, shrubbery and other vegetation, as well as some perimeter fencing.

II. 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 covered porch the petitioner proposes to enclose is on the rear of the dwelling. It is open on three sides and has portions of the second floor above it. The petitioner proposes to fully enclose the porch (mostly with windows and glass doors), which would add 240 square feet of floor area to the dwelling, further increasing the property's already nonconforming FAR from 0.59 to 0.63 where 0.44 is the maximum allowed. The petitioner also proposes to build new stairs and related landing area adjacent to the proposed enclosed porch, which would further increase the existing nonconforming lot coverage of 39% by 1% to 40% where 30% is the maximum allowed by right.

The Planning Department is generally not concerned with the proposed work as it would not increase the footprint of the structure, be located in the rear of the property, and not be visible from the adjoining public way.

C. Parking and Circulation

No changes to the parking or circulation on the property are proposed.

D. Landscape, Lighting and Signage

A small tree (not visible from the adjoining public way) would be removed in the location of the proposed stair.

III. 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:

- Special permit per §7.3.3 to further increase nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)
- Special permit per §7.3.3 to further increase nonconforming lot coverage (§3.1.3, §7.8.2.C.2)

B. Engineering Review

No engineering review is required at this time.

C. Newton Historical Commission

On September 26, 2017, Newton Historical Commission staff approved the project based upon materials submitted, subject to review of final plans.

IV. 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  
**Attachment D:** DRAFT Board Order

# ATTACHMENT A

## Land Use

458 Woodward St.

City of Newton,  
Massachusetts

### Land Use

#### Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Open Space
- Nonprofit Organizations
- Vacant Land

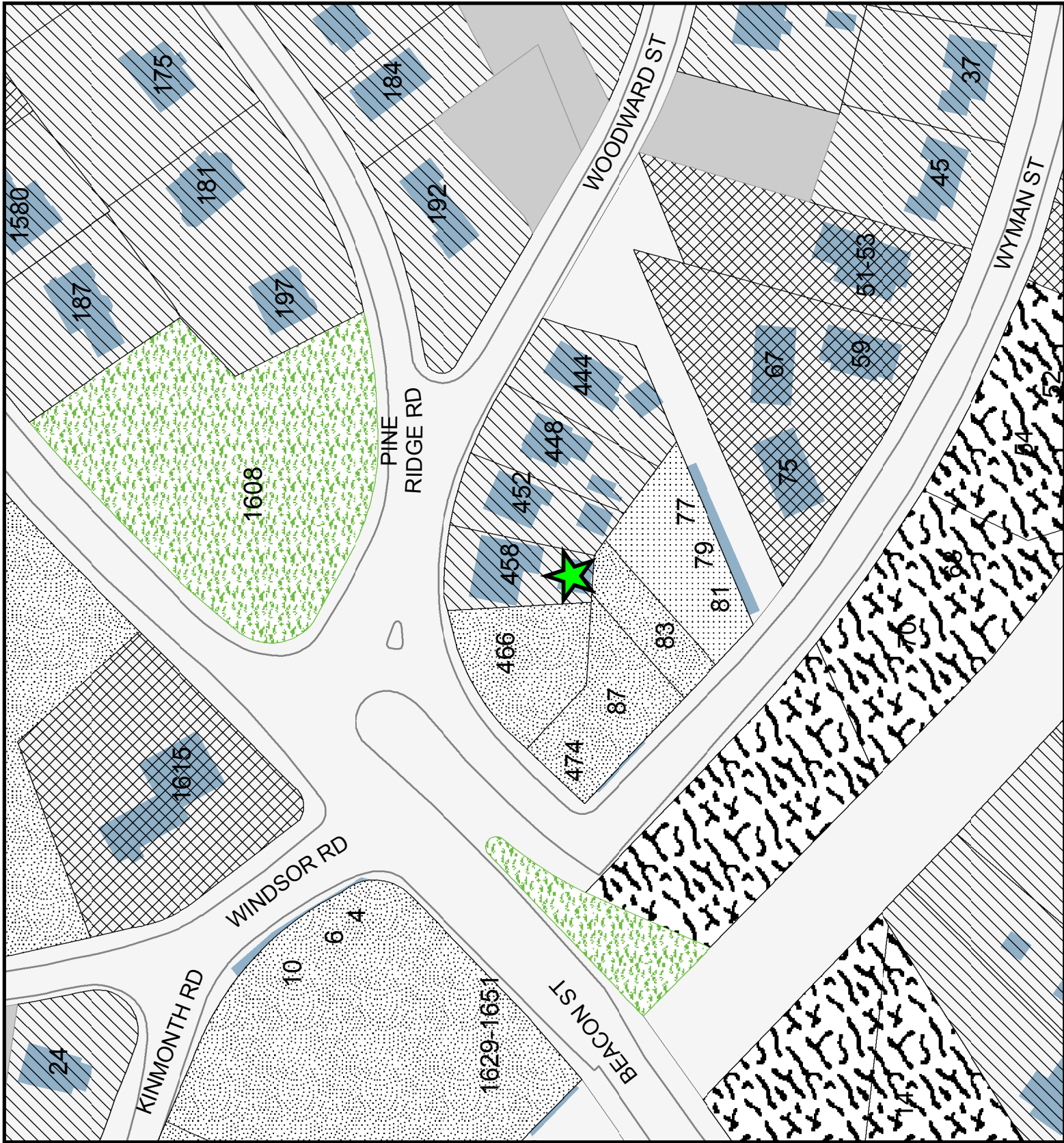


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: April 30, 2018





Map Date: April 30, 2018



Ruthanne Fuller  
Mayor

## ATTACHMENT C

City of Newton, Massachusetts  
Department of Planning and Development  
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Barney S. Heath  
Director

### ZONING REVIEW MEMORANDUM

Date: March 27, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Jennifer Caira, Chief Planner for Current Planning

Cc: Florin Luca, Architect  
Eric and Steffi Karp, Applicants  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Acting City Solicitor

RE: Request to further increase nonconforming FAR and lot coverage

Applicant: Eric and Steffi Karp	
Site: 458 Woodward Street	SBL: 53026 0016
Zoning: SR2	Lot Area: 6,276 square feet
Current use: Single-family dwelling	Proposed use: No change

#### BACKGROUND:

The property at 458 Woodward Street consists of a 6,276 square foot lot improved with a single-family residence constructed in 1911 and a detached garage structure constructed in 1912. There is an existing sun porch at the rear of the dwelling, which is open on three sides and has a roof. The petitioner proposes to fully enclose the porch and relocate the stairs. Enclosing the porch further increases the already nonconforming FAR and lot coverage, requiring a special permit.

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

- Zoning Review Application, prepared Florin Luca, Architect, dated 2/20/2018
- FAR Worksheet, 2/20/2018
- Addition Plan, signed and stamped by Michael Paul Antonino, surveyor, dated 1/8/2018
- Architectural Plans, signed and stamped by Florin Luca, architect, dated 2/10/2018

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners' existing FAR is .59, where .44 is the maximum allowed. The proposed addition adds 240 square feet to the dwelling, resulting in an FAR of .63. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.
2. Section 3.1.3 requires a maximum of 30 percent lot coverage for an old lot in the SR2 zoning district. The petitioners' existing lot coverage is nonconforming at 39 percent. Enclosing the existing sun porch and relocating the access stairs results in an increase in already nonconforming lot coverage by one percent to 40 percent. To further increase the already nonconforming lot coverage requires a special permit per sections 3.1.9 and 7.8.2.C.2.

<b>SR2 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	10,000 square feet	<b>6,276 square feet</b>	<b>No change</b>
Frontage	80 feet	<b>70 feet</b>	<b>No change</b>
Setbacks			
• Front	25 feet	<b>19.5 feet</b>	<b>No change</b>
• Side	7.5 feet	<b>1.5 feet</b>	<b>No change</b>
• Rear	15 feet	40 feet	No change
Max Number of Stories	2.5	2.5	No change
Height	36 feet	30 feet	No change
FAR	.44	<b>.59</b>	<b>.63</b>
Max Lot Coverage	30%	<b>39%</b>	<b>40%</b>
Min. Open Space	50%	56.8%	55.8%

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<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
§3.1.3 §7.8.2.C.2	Request to further increase nonconforming lot coverage	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 (Thirteen 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 to facilitate a full review of the application.

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

# ATTACHMENT D

**DRAFT** #214-18  
458 Woodward Street

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 nonconforming floor area ratio (FAR) from 0.59 to 0.63 where 0.44 is the maximum allowed by right and further increase the nonconforming lot coverage from 39% to 40%, where 30% is the maximum allowed by right,

as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed increase of the nonconforming FAR from 0.59 to 0.63 where 0.44 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 as it will result from the enclosure of an existing rear porch and not increase the footprint of the dwelling (§3.1.9.A.2);
2. The proposed increase of the nonconforming FAR from 0.59 to 0.63 where 0.44 is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood as it will result from the enclosure of an existing rear porch and not increase the footprint of the dwelling (§7.8.2.C.2);
3. The proposed increase of the nonconforming lot coverage from 39% to 40%, where 30% is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood given it is the result of the addition of an unenclosed stairway in the rear of the property (§7.8.2.C.2).

PETITION NUMBER: #214-18

PETITIONER: Steffi and Eric Karp

LOCATION: 458 Woodward Street, on land known as Section 53, Block 26, Lot 16, containing approximately 6,276 sq. ft. of land

OWNER: Steffi and Eric Karp

ADDRESS OF OWNER: 458 Woodward Street  
Newton, MA 02468

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit per §7.3.3 to further increase nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2) and further increase nonconforming lot coverage (§3.1.3, §7.8.2.C.2)

ZONING: Single Residence 2 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 "Addition Plan, No. 458 Woodward St., Waban, Mass," prepared by Antonino Land Surveyors, Inc., signed and stamped by Michael Paul Antonino, Registered Land Surveyor, dated April 24, 2018.
  - b. A set of plans entitled "Karp Residence, Issue Set: Zoning Review," prepared by StudioPph Architecture Design, signed and stamped by Florin Luca, Registered Architect, dated April 24, 2018:
    - i. Cover Sheet;
    - ii. Project Information (A0.01);
    - iii. F.A.R. Calculations (A0.02);
    - iv. Existing Conditions (A1.01);
    - v. Proposed Floor Plans (A2.01);
    - vi. Exterior Elevations (A3.01);
    - vii. Exterior Elevations (A3.02);
    - viii. Exterior Elevations (A3.03);
    - ix. Exterior Elevations (A3.04);
    - x. Exterior Elevations (A3.05).
2. 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 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. 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 and certifying compliance with Condition #1.
  - b. Filed with the City Clerk, 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.
  - c. 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.