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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	June 22, 2018
Land Use Action Date:	September 11, 2018
City Council Action Date:	September 17, 2018
90- Day Expiration Date:	September 24, 2018

DATE: June 22, 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 #338-18**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to enclose the front porches, adding approximately 158 sq. ft. to the structure, creating an FAR of .49 where .48 is allowed at **22 Beecher Place**, Ward 6, Newton Centre, on land known as Section 81 Block 01 Lot 03 containing approximately 10,146 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11 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.



22 Beecher Place

EXECUTIVE SUMMARY

The property at 22 Beecher Place consists of a 10,146 square foot lot in a Multi-Residence 1 (MR1) district improved with a 2 ½ story, 4,855 square foot two-family dwelling currently under construction. The petitioners seek a special permit to increase the floor area ratio (FAR) from the 0.48 that is allowed and currently exists to 0.49 to allow the enclosure of two entryway porches, one each on the south and west sides of the structure. The proposed enclosure of the porches would in the aggregate add approximately 158 square feet to the structure.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in FAR from 0.48 to 0.49, where 0.48 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 (§3.2.11.A.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The surrounding neighborhood is predominantly residential with a mix of single- and two- family dwellings in the area immediately around the site; there is also an apartment complex approximately 150 feet to the northeast at the east end of Hamlet Street as well as a few three- family dwellings and vacant lots dispersed throughout. The area is uniformly zoned Multi-Residence 1 (MR1) apart from the Public Use (PUB)-zoned Bowen School approximately 350 feet to the west (**Attachments A and B**).

B. Site

The property consists of a 10,146 square foot lot in a Multi-Residence 1 (MR1) district improved with a 2 ½ story, 4,855 square foot two-family dwelling located toward the rear of the lot and currently under construction. Vehicular access will be provided by a curb cut off Beecher Place and long driveway along the left (west side of the property) serving four parking spaces, two each to the front and rear of the dwelling. The lot is generally level, with a slight slope downward, approximately 5 feet, front to back (northward from Beecher Place) along its 200 foot depth. As construction of the new two-family dwelling is ongoing, the property is not currently landscaped. That said, there is considerable vegetation along the left (west) and rear (north) property lines, including several mature trees, that effectively screen the property.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building and Site Design

The petitioners propose to enclose two porches, one each on the south and west sides of the structure, that measure approximately 12.5 feet by 6.00 feet and 13.75 feet by 6.00 feet respectively. If enclosed they would function as “mudroom” entries for the two units.

The proposed enclosures would add approximately 158 square feet to the structure in total, increasing the floor area ratio (FAR) from the 0.48 that currently exists and is the maximum allowed by-right to 0.49. The Planning Department notes that it is their proposed enclosure that makes the porches countable toward FAR (unenclosed porched are not included in the calculation of FAR).

The parcel’s height, setbacks, lot coverage and open space measurements would all remain unchanged. The Planning Department notes that the enclosures would have limited visual impact given their orientation and/or distance from the adjacent public ways and properties.

C. Parking and Circulation

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

D. Landscape Screening

No landscape plan was submitted with this petition. As stated above, there is considerable vegetation along the left (west) and rear (north) sides of the property. The Planning Department suggests the petitioner discuss plans for preservation of that vegetation and screening at the public hearing.

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 of Section 30, to exceed the maximum floor area ratio (FAR) (§3.1.9.A)

B. Engineering Review:

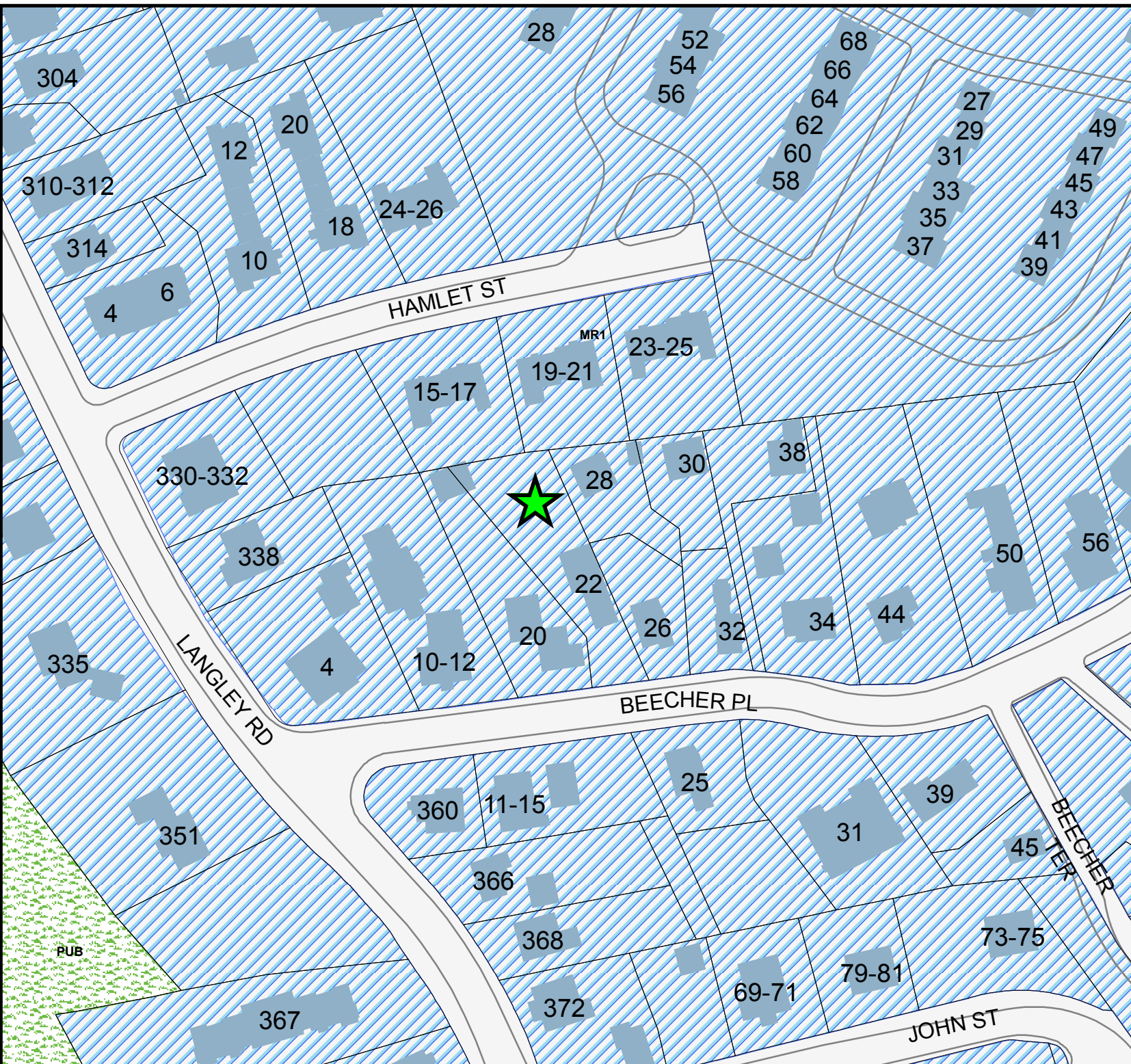
No Engineering review is required at this time. The Engineering Division will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit for the proposed garage should this petition be approved.

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





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Mayor

ATTACHMENT C

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Director

ZONING REVIEW MEMORANDUM

Date: May 14, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Ben Bressel, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to exceed FAR

Applicant: Ben Bressel	
Site: 22 Beecher Place	SBL: 81001 0003
Zoning: MR1	Lot Area: 10,146 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 22 Beecher Place consists of a 10,146 square foot lot improved with a two-family residence currently under construction. The dwelling received a building permit from Inspectional Services that did not include enclosed front porches. The enclosed porches add approximately 158 square feet to the structure. The additions exceed the allowable FAR and require a special permit.

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

- Zoning Review Application, prepared Ben Bressel, dated 3/22/2018
- FAR Worksheet, submitted 3/22/2018
- Certified Plot Plan, signed and stamped by Bradley J. Simonelli, dated 10/27/2017

ADMINISTRATIVE DETERMINATIONS:

1. The two-family dwelling is under construction by a building permit issued by Inspectional Services in February 2018. The original building permit has two front porches which are open. The petitioner would like to enclose the front porches, adding 158 square feet to the structure. The additional 158 square feet changes the FAR from .48 to .49, which exceeds the maximum FAR of .48 allowed by section 3.2.11, requiring a special permit.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	10,146 square feet	No change
Frontage	70 feet	45.33 feet	No change
Setbacks <ul style="list-style-type: none">• Front• Side• Rear	25 feet 7.5 feet 15 feet	±100 feet 7.5 feet 20 feet	No change No change No change
Max Number of Stories	2.5	2.5	No change
FAR	.48	.48	.49
Max Lot Coverage	30%	±20%	No change
Min. Open Space	50%	50.7%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3 §3.2.11	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 (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 - #338-18
22 Beecher Place

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 increase the Floor Area Ratio (FAR) from 0.48 to 0.49 where 0.48 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 expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.48 to 0.49, where 0.48 is the maximum allowed by-right will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as it will be similar in regard to those characteristics of other structures in the surrounding area and conform to other relevant dimensional requirements; further, the additions will have limited visibility given their scale and distance from the adjacent public way and properties.

PETITION NUMBER:	#338-18
PETITIONERS:	22 Beecher Place Realty Trust
LOCATION:	22 Beecher Place, on land known as Section 65, Block 8, Lot 28, containing approximately 10,114 square feet of land
OWNERS:	22 Beecher Place Realty Trust
ADDRESS OF OWNER:	19 Holbrook Avenue Hull, MA
TO BE USED FOR:	Two Family Dwelling
CONSTRUCTION:	Wood frame
EXPLANATORY NOTES:	§3.1.9 and §7.3, to exceed the maximum floor area ratio (FAR) allowed by-right

ZONING: Multi Residence 1 (MR1) 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 "Site Development Plan for 22 Beecher Place, Map 65 Block 8 Parcel 28, Newton, Massachusetts 02459, Proposed Conditions" prepared by J.M. Grenier Associates Inc., dated October 20, 2017, stamped and signed by John M. Grenier, Registered Professional Engineer
 - b. A plan entitled "Certified Plot Plan Showing Existing and Proposed, 22 Beecher Place, Newton, Mass.," prepared by Field Resources, Inc., dated October 20, 2017, as revised through January 5, 2018, signed and stamped by Bradley J. Simonelli, Professional Land Surveyor
 - c. A set of plans for 22 Beecher Pl, Newton, MA 02459:
 - i. Calculation Areas for Areas Above 2nd Story, signed and stamped by John A. Wallen, Registered Professional Engineer on February 19, 2018
 - ii. Elevations (note: front, left, right and rear elevations), dated November 15, 2017, stamped and signed by John A. Wallen, Registered Professional Engineer January 30, 2018 (Page 1);
 - iii. First Floor Plan, dated November 6, 2017, stamped and signed by John A. Wallen, Registered Professional Engineer December 4, 2017 (Page 3A);
 - iv. Found Elev Front Rear, dated December 29, 2017, stamped and signed by John A. Wallen, Registered Professional Engineer December 31, 2017 (Page 4);
 - v. Found Elev left and Right, dated December 29, 2017, stamped and signed by John A. Wallen, Registered Professional Engineer December 31, 2017 (Page 5);
 - d. A document entitled "Floor Area Ratio Worksheet, Property Address: 22 Beecher Place," signed and stamped by John A. Wallen, Registered Professional Engineer on May 17, 2018.
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 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 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.
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 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.