



**City of Newton, Massachusetts**  
Department of Planning and Development  
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**#622-18**

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Ruthanne Fuller  
Mayor

Barney Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date:	January 29, 2019
Land Use Action Date:	April 9, 2019
City Council Action Date:	April 15, 2019
90-Day Expiration Date:	April 30, 2019

DATE: January 25, 2019

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Katie Whewell, Planning Associate

SUBJECT: **Petition #622-18**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-car garage in the footprint of a razed garage with an additional 225 sq. ft., exceeding the allowable FAR of .43 where .51 exists and .53 is proposed at **48 Billings Park**, Ward 7, Newtonville, on land known as Section 72, Block 8, Lot 14, containing approximately 8,289 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. §3.1.9, §7.8.2.C.2, and §7.3.3 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.



**48 Billings Park**

### **EXECUTIVE SUMMARY**

The property located at 48 Billings Park contains an 8,289 square foot lot in the Single Residence 2 (SR-2) zone in Newtonville. The lot is improved with a single-family residence constructed in 1890. There was an attached two-car garage constructed in 1945 however, it was recently razed due to structural problems and decay. The petitioners are seeking to construct a new two-car attached garage with a roof deck. The addition will further increase the nonconforming floor area ratio (FAR) for the lot, requiring a special permit.

As designed, the proposed garage would increase the floor area ratio from .51 to .53, where .43 is the maximum allowed. The proposed garage is increasing the footprint of the prior garage by extending it seven feet toward the rear lot line; it meets all setback requirements, and is not higher than the existing structure. The proposed garage is consistent with the size and scale of the other two-car attached garages in this neighborhood and the new garage is replacing the prior garage that had structural issues. Due to this, the Planning Department is unconcerned with the proposed garage that further increases nonconforming FAR.

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

When reviewing this request, the

Council should consider whether:

- The proposed increase in the nonconforming FAR from .51 to .53, where .43 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, and §7.8.2.C.2)
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9 and §7.8.2.C.2)

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

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

The subject property is located at the intersection of Billings Park and Church Street in the SR-2 zone in Newtonville. The immediate area is split between the SR-2 zone to the south of the site and multi residence 1 (MR1) zones to the north of the site as well as three public use zones that are to the northwest and east of the site (**Attachment A**). The land use of adjacent properties is multi-family residential to the north and east, commercial immediately across Billings Park, single family residential, and nonprofit organization (**Attachment B**). The neighborhood and surrounding area have a multitude of uses. The immediate surrounding homes on Billings Park are also brick homes and the homes with corner lots on Billings and Church Streets both have

attached two car garages.

B. Site

The site consists of 8,289 square feet of land on a corner lot at Billings Park and Church St. The site is improved with a 2.5-story brick Victorian single-family dwelling. The corner lot is served by one curb cut on Church Street providing access to a paved driveway that leads up to the proposed garage. The proposed construction would expand the footprint of the previous garage by 151 square feet and would reduce the rear setback from 22.2 feet to 15.2 feet. The proposed garage still meets the setback requirements. There is a moderate slope from the front to the rear of the lot and some landscaping, including two trees at the end of the driveway on Church Street.

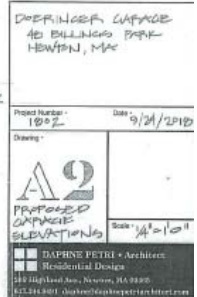
III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

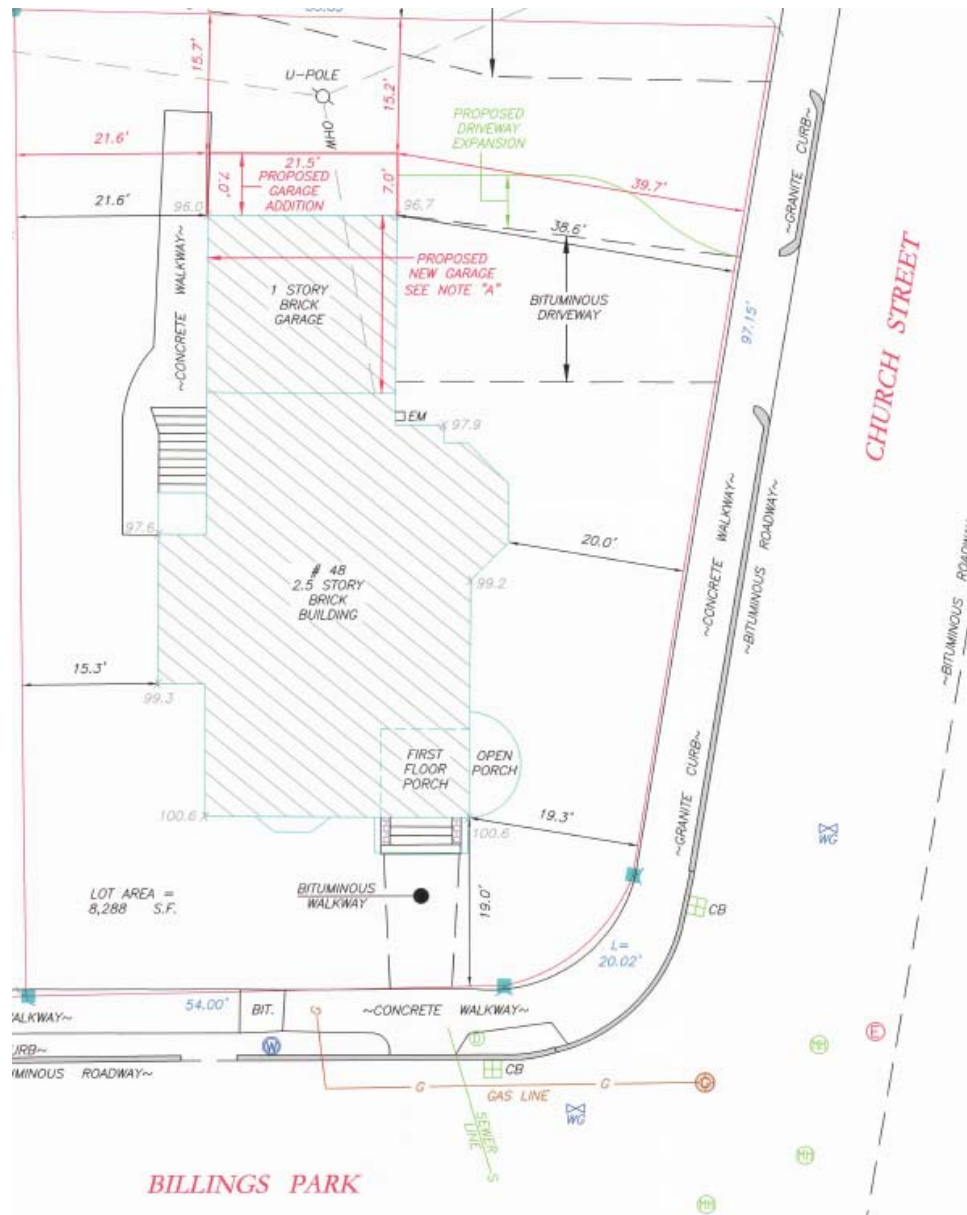
B. Building Design

The petitioners are seeking to construct an attached two-car garage where an attached garage once stood but was razed due to structural issues. The square footage of the new garage will be 375 square feet. The proposed garage will be similar in design to the existing façade of the home. The resulting garage would further increase the nonconforming FAR from .51 to .53 where .43 is allowed by right. The Planning Department is unconcerned with the addition because it is to the rear of the dwelling, and results in a minimal expansion of the existing garage footprint. The proposed two-car attached garage is consistent with the size and scale of the neighboring homes and garages.



### C. Site Design

The petitioners are seeking to construct an attached two car garage. The proposed garage would extend the footprint of the previous garage by seven feet toward the rear lot line. The proposed addition would comply with the rear and side setbacks. The site's lot coverage would increase from 23.8% to 25.6%, below the 30% maximum. The petitioners are also proposing to expand the driveway in order to align with the proposed garage. The Planning Department is unconcerned with the addition because it will conform with all dimensional components.



D. Parking and Circulation

The petitioners are proposing to construct an attached two car garage and extend the driveway to align with the new garage.

E. Landscaping

A landscape plan is 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 regarding zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.1.9 and §7.8.2.C.2 of Section 30, to further increase the nonconforming FAR.

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

This petition does not meet the minimum threshold for Newton Historical Commission review.

#### V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

#### ATTACHMENTS:

- |                      |                          |
|----------------------|--------------------------|
| <b>Attachment A:</b> | Zoning Map               |
| <b>Attachment B:</b> | Land Use Map             |
| <b>Attachment C:</b> | Zoning Review Memorandum |
| <b>Attachment D:</b> | DRAFT Council Order      |



## Map Date: January 16, 2019





# ATTACHMENT B

## Land Use

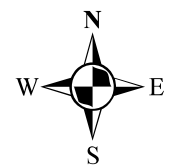
### 48 Billings Park

*City of Newton,  
Massachusetts*

## Legend

### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations



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: January 24, 2019





**Ruthanne Fuller**  
Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

**Date:** November 8, 2018

**To:** John Lojek, Commissioner of Inspectional Services

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

**Cc:** Matthew Doeringer, Applicants  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Acting City Solicitor

**RE:** Request to further increase nonconforming FAR

Applicant: Matthew Doeringer	
<b>Site:</b> 48 Billings Park	<b>SBL:</b> 72008 0014
<b>Zoning:</b> SR2	<b>Lot Area:</b> 8,289 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 48 Billings Park consists of an 8,289 square foot lot improved with a single-family residence constructed in 1890 and an attached two-car garage constructed in 1945 which was recently razed due to structural problems and decay. The property is at the corner of Billings Park and Church Street, with the garage facing Church Street at the rear of the house. The petitioners propose to construct a new two-car attached garage with a roof deck. The proposed changes 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 by Matthew Doeringer, petitioner, dated 10/10/2018
- FAR Worksheet, submitted 10/10/2018
- Plot Plan, signed and stamped by Dennis O'Brien, surveyor, dated 10/9/2018
- Architectural Plans, prepared by Daphne Petri, architect, dated 9/24/2018

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner intends to reconstruct the attached two-car garage in the same footprint, extending it with an additional seven feet. The existing FAR (prior to demolition) is .51, where .43 (.41 with the .02 bonus for meeting new lot setbacks) is the maximum allowed. The proposed addition adds 225 square feet to the dwelling, resulting in an FAR of .53. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.

<b>SR2 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	10,000 square feet	<b>8,289 square feet</b>	<b>No change</b>
Frontage	80 feet	97 feet	No change
Setbacks <ul style="list-style-type: none"> <li>• Front (Billings Park)</li> <li>• Front (Church St)</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 25 feet 7.5 feet 15 feet	<b>19 feet</b> 38.6 feet 15.3 feet 22.2 feet	<b>No change</b> No change No change 15.2 feet
Max Number of Stories	2.5	2.5	No change
FAR	.43 (.41 with .02 bonus)	<b>.51</b>	<b>.53</b>
Max Lot Coverage	30%	23.8%	25.6%
Min. Open Space	50%	65.1%	61.2%

1. See “Zoning Relief Summary” below:

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

#622-18  
48 Billings Park

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 .51 to .53, where .43 is the maximum allowed as of 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 in the nonconforming floor area ratio from .51 to .53, where .43 is the maximum allowed by right is consistent with and not in derogation of the size, scale, or design of other structures in the neighborhood and will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed garage is consistent with other attached two care garages in the neighborhood, meets all setback requirements, and is not higher than the existing structure (§3.1.9 and §7.8.2.C.2).

PETITION NUMBER: #622-18

PETITIONER: Matthew Doeringer

LOCATION: 48 Billings Park., on land known as Section 72, Block 8, Lot 14, containing approximately 8,289 square feet of land

OWNER: Matthew Doeringer

ADDRESS OF OWNER: 48 Billings Park  
Newton, MA 02458

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Brick

EXPLANATORY NOTES: §3.1.9 and §7.8.2.C.2 to further increase the nonconforming FAR to construct an attached two car garage.

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. Certified Plot Plan, signed and stamped by Dennis B. O'Brien, Land Surveyor, dated October 9, 2018.
  - b. Architectural Plans, signed and stamped by Daphne Petri, registered Architect, dated September 6, 2018, consisting of the following four (4) sheets:
    - i. A1 Proposed Garage Plan
    - ii. A2 Proposed Garage Elevations
    - iii. A3 Garage Wall Section
    - iv. A4 Existing Church St Elevation
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. 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 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 a licensed architect.