



#124-19

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	May 7, 2019
Land Use Action Date:	July 8, 2019
City Council Action Date:	July 13, 2019
90-Day Expiration Date:	August 5, 2019

DATE: May 3, 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 #124-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a portion of the rear dwelling and construct a new rear addition and two-car attached garage, extending the non-conforming 3.5-story structure at 150 Collins Road, Ward 5, Waban, on land known as Section 55 Block 48 Lot 17, containing approximately 22,619 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 1.5.4.B, 1.5.4.C, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

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.



150 Collins Road

EXECUTIVE SUMMARY

The property located at 150 Collins Road consists of a 22,619 square foot lot in the Single Residence 2 (SR-2) zone in Waban. The lot is improved with a 3.5-story, single-family Colonial residence constructed in 1920. The petitioners are seeking to demolish an existing rear addition and garage in order to construct a new addition consisting of living space and an attached two car garage. The proposed project results in the alteration of the existing nonconforming 3.5 story structure, requiring a special permit. The project would increase the floor area ratio of the structure but is within the allowed dimensions.

The Planning Department is unconcerned with the proposed addition because it meets all setback requirements and there are several nonconforming 3-3.5 story structures in the neighborhood. The addition is consistent with the size and scale of the homes in this neighborhood and the new bulk will be focused towards the rear of the house and is well screened by landscaping. Due to this, the Planning Department is unconcerned with the proposed addition that further extends the nonconforming 3.5 story structure.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the

Council should consider whether:

- The proposed addition that extends the nonconforming 3.5 story structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, and §7.8.2.C.2)
- The proposed addition that extends the nonconforming 3.5 story structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3, and §7.8.2.C.2)

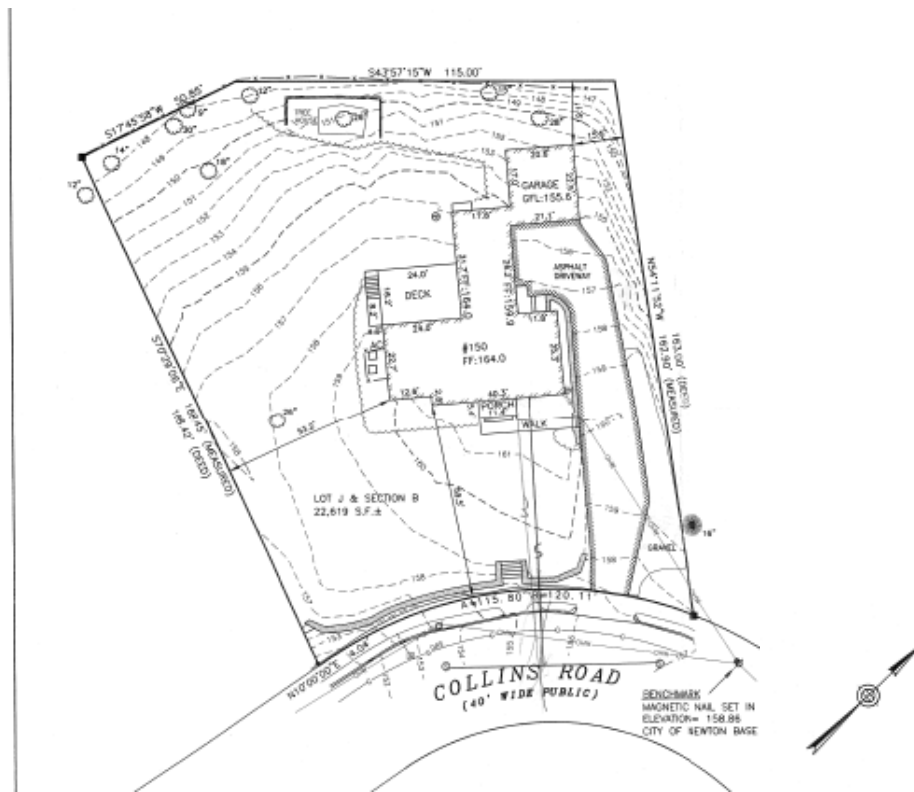
II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Collins Road in the SR-2 zone in Waban. The property is located less than half a mile from the Waban MBTA station. The SR-2 zone encompasses the Collins Road neighborhood and surrounding areas (**Attachment A**). The surrounding land use of the neighborhood is single family residential (**Attachment B**). Many of the houses on Collins Road are similar to 150 Collins Road in style and scale, and there are other Colonial style homes that appear to be around 3.5 stories and with bulk at the rear of the structures.

B. Site

The site consists of 22,619 square feet of land and is improved with a nonconforming 3.5-story single-family dwelling. The lot is served by one curb cut providing access to an existing asphalt driveway that leads up to a single car garage. There is also an existing gravel area to the right of the driveway along the northern property line. There is a downward slope to the lot. There is mature landscaping along all property lines.



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

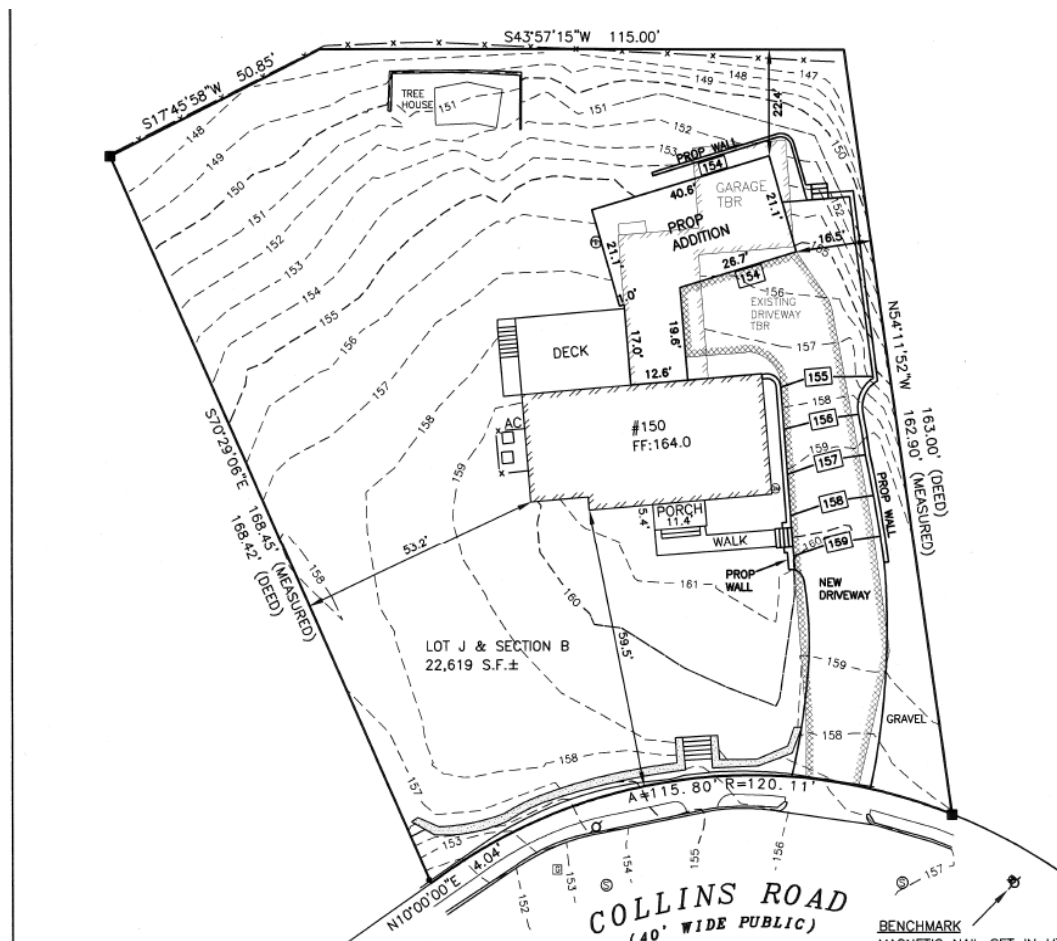
B. Building Design

The petitioners are seeking to demolish an attached rear addition and one car garage in order to construct a new addition of living space and an attached two car garage. Due to the average grade of the property, the basement is considered the first floor, resulting in the structure having 3.5 stories, where 2.5 is the maximum allowed by right. The

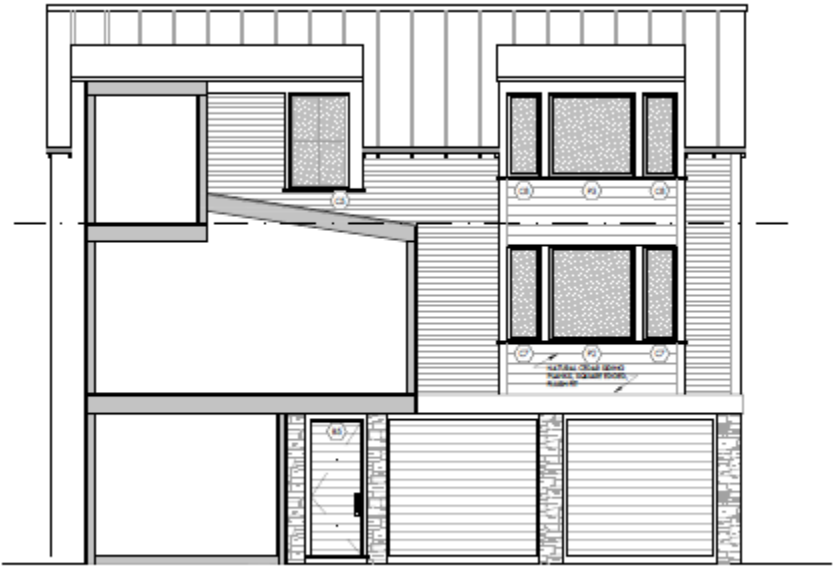
proposed addition and two car garage adds 2,039 square feet to the dwelling, increasing the FAR from .25 to .34, where .35 is allowed. The proposed addition requires a special permit because of the alteration of the nonconforming 3.5 story structure.

The Planning Department is unconcerned with the addition that further extends the nonconforming 3.5 story structure because it is to the rear of the dwelling, is consistent with the size and scale of the neighboring homes, and is well screened with landscaping.

Proposed Site Plan



Proposed South Elevation, from Collins Road



Proposed West Elevation



Proposed North Elevation

Per the Ordinance's definition of a story, the basement level is considered the first floor due to the average grade, creating a nonconforming 3.5 story single family-dwelling. The plans also show proposed retaining walls around the driveway and new addition, the tallest wall is 3'11". The Planning Department is unconcerned with the addition because

it will conform with all dimensional components and will be well screened.

D. Parking and Circulation

The petitioners are not proposing any changes to either the parking or circulation.

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:

- §3.1.3 and §7.8.2.C.2 of Section 30 to further extend the nonconforming 3.5 story structure.

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:

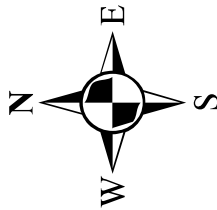
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|----------------------|--------------------------|
| Attachment A: | Zoning Map |
| Attachment B: | Land Use Map |
| Attachment C: | Zoning Review Memorandum |
| Attachment D: | DRAFT Council Order |

Attachment A Zoning Map 150 Collins Road

City of Newton,
Massachusetts

Legend

- Single Residence 2
- Building Outlines
- Property Boundaries



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



Map Date: April 18, 2019



Attachment B Land Use Map 150 Collins Rd.

City of Newton,
Massachusetts

Legend

Land Use

Land Use

Single Family Residential

Multi-Family Residential

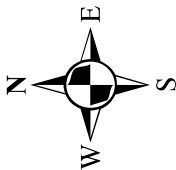
Commercial

Mixed Use

Vacant Land

Building Outlines

Property Boundaries

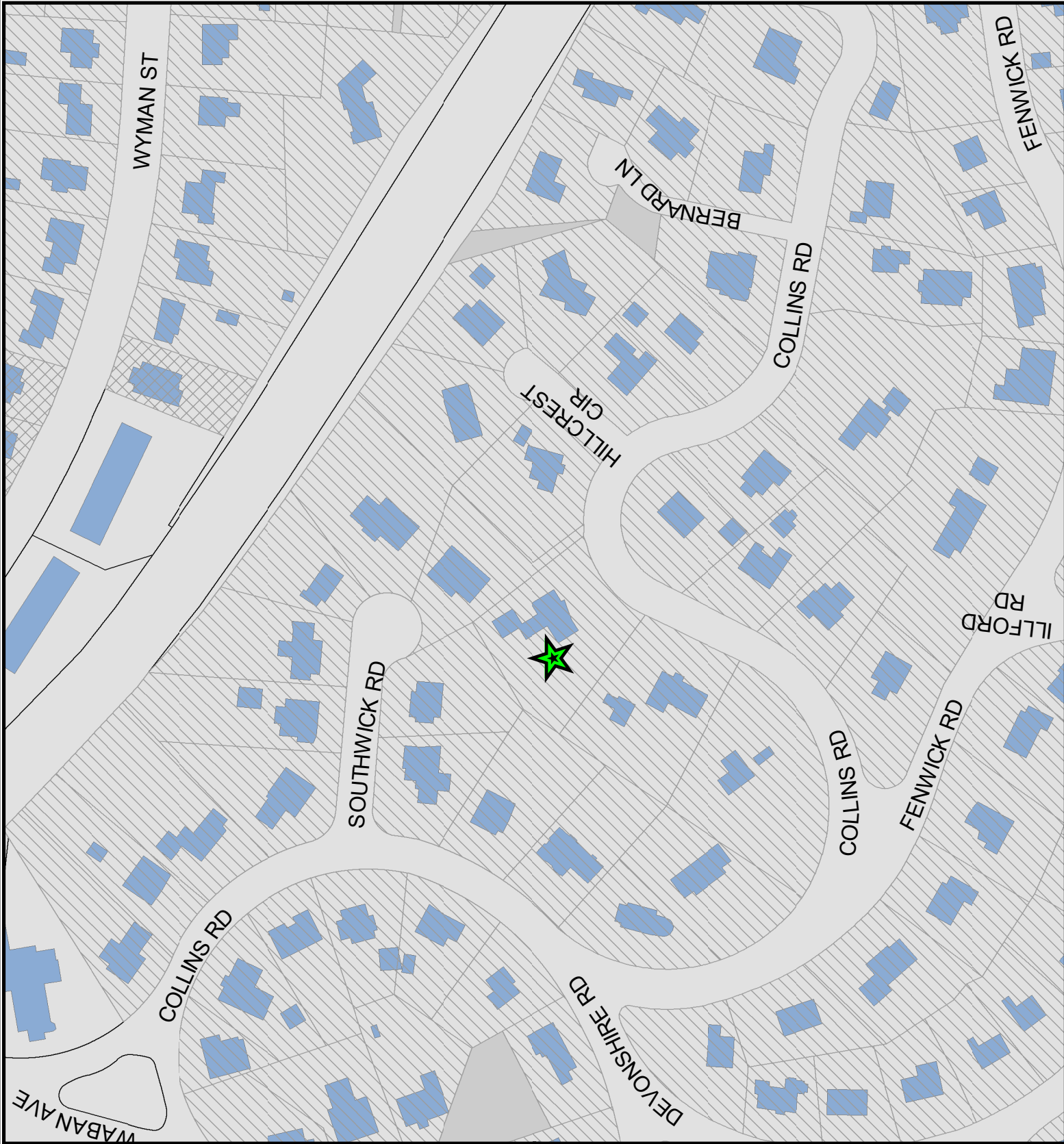


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

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Map Date: April 18, 2019





Ruthanne Fuller
Mayor

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Attachment C
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: February 26, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Sarah and Robert Buckley, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to extend a nonconforming three-story structure**

Applicant: Sarah and Robert Buckley	
Site: 150 Collins Road	SBL: 55048 0017
Zoning: SR2	Lot Area: 22,619 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 150 Collins Road consists of a 22,619 square foot lot improved with a single-family dwelling constructed in 1920. Due to the average grade of the property, the basement is considered the first floor, resulting in the structure having 3.5 stories, where 2.5 is the maximum allowed by right. The petitioner is proposing to demolish an existing rear addition and construct a new addition of living space and an attached two-car garage, resulting in an alteration of the existing three and a half-story structure.

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

- Zoning Review Application, prepared by Robert and Sarah Buckley, undated
- FAR Worksheet, undated
- Plan of Land – Existing Conditions, prepared by Everett M Brooks, surveyor, dated 8/21/2018
- Plan of Land – Proposed Conditions, signed and stamped by Bruce Bradford, surveyor, dated 1/4/2019
- Architectural Plans and Elevations, prepared by Foley Fiore Architecture, 12/19/

ADMINISTRATIVE DETERMINATIONS:

1. Per section 3.1.3, a single-family dwelling is limited to 2.5 stories by right, or three by special permit. Due to the existing grade surrounding the single-family dwelling, the basement level is considered the first floor, rendering the structure 3.5 stories per section 1.5.4.B and C. To allow the proposed addition requires a special permit to extend the nonconforming number of stories, per section 7.8.2.C.2.
1. The petitioners' existing FAR is .25, where .35 (.33 plus the .02 bonus for meeting new lot setback requirements) is the maximum allowed per sections 3.1.3 and 3.1.11. The proposed additions add 2,039 square feet to the dwelling, resulting in an FAR of .34. No special permit is required.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	22,619 square feet	No change
Frontage	80 feet	120 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	59.5 feet 15.5 feet 19.1 feet	No change 16.5 feet 22.4 feet
Building Height	36	33.9 feet	34.7 feet
Max Number of Stories	2.5	3.5	No change
FAR	.35 (.33 + .02)	.25	.34

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§1.5.4.B §1.5.4.C §3.1.3 §7.8.2.C.2	Request to further extend a nonconforming 3.5 story single-family dwelling	S.P. per §7.3.3

#124-19
150 Collins Road

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 extend a nonconforming three and a half story structure as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed addition that extends the nonconforming 3.5 story structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the proposed addition meets all setback requirements, the bulk is to the rear of the structure and is well screened by landscaping. (§3.1.3, and §7.8.2.C.2)
2. The proposed addition that extends the nonconforming 3.5 story structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the nonconforming 3.5 story structure is similar to other homes on the street in size and scale and is not changing the current number of floors. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #124-18

PETITIONER: Sarah and Robert Buckley

LOCATION: 150 Collins Rd., on land known as Section 55, Block 48, Lot 17, containing approximately 22,619 square feet of land

OWNER: Sarah and Robert Buckley

ADDRESS OF OWNER: 150 Collins Rd.
Newton, MA 02468

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION:	Wood frame
EXPLANATORY NOTES:	§7.8.2.C.2, §3.1.3 to further extend a nonconforming 3.5 story structure
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 Bruce Bradford, Land Surveyor, dated March 6, 2019.
 - b. "Buckley Residence" Architectural Plans, prepared by Foley Fiore Architecture, Architect, signed and stamped by Paul Fiore, consisting of the following four (6) sheets:
 - i. Proposed South Elevation, dated March 14, 2019
 - ii. Proposed South Elevation/Section, dated March 14, 2019
 - iii. Proposed West Elevation, dated March 14, 2019
 - iv. Proposed North Elevation, dated March 14, 2019
 - v. Proposed North Elevation/Section, dated March 14, 2019
 - vi. Proposed East Elevation, dated March 14, 2019
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.