



#125-19

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## City of Newton, Massachusetts

### Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	May 7, 2019
Land Use Action Date:	July 8, 2019
City Council Action Date:	July 15, 2019
90-Day Expiration Date:	August 5, 2019

DATE: May 3, 2019

TO: City Council

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

SUBJECT: **Petition #125-19**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the nonconforming floor area ratio from .36 to .37 where .27 is the maximum allowed by-right, at **85 Gate House Road**, Ward 7, Chestnut Hill, on land known as SBL 63, 27, 16 containing approximately 22,152 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. §3.1.9, §7.8.2.C.2 and §7.4, 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 that the Land Use Committee of the City Council can consider at a subsequent working session.



**85 Gate House Road**

## **EXECUTIVE SUMMARY**

The subject property located at 85 Gate House Road consists of a 20,152 square foot lot improved with an English Revival single-family dwelling constructed circa 1926. The property is located within the Single Residence (SR-1) zone in Chestnut Hill and within the Chestnut Hill Local Historic District. The petitioner is seeking to enclose a rear veranda on the first floor and to construct five dormers to the attic level. The dwelling is legal nonconforming regarding floor area ratio (FAR) and the additions will increase that nonconformity. Therefore, the petitioner requires a special permit to further increase the nonconforming FAR from .36 to .37 where .27 is the maximum allowed by-right. If approved, the dwelling would contain 8,220 square feet, where 5,981 square feet is the maximum allowed. The Planning Department is unconcerned with the request to further increase the nonconforming FAR. The enclosed veranda will not expand the footprint of the structure and the dormers will add light to an existing attic space that already contains FAR; both additions will be minimally visible from the street.

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

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

- The proposed increase in the nonconforming FAR from .36 to .37, where .27 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 the nonconforming FAR from .36 to .37 where .27 is the maximum allowed by-right is substantially more detrimental than the existing nonconforming FAR 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 a corner lot with frontages on Gate House and Nancy Roads in the SR-1 zone in Chestnut Hill. The immediate area is located entirely within the Single Residence 1 zone (**Attachment A**). As such, the neighborhood contains only single-family uses (**Attachment B**).

#### **B. Site**

The site consists of 20,152 square feet of land and it is improved with a 2.5-story single-family dwelling constructed circa 1926; the structure is an example of English Revival architecture. The site is accessed via a driveway from Nancy Road, leading to an attached-two car garage in the basement of polygonal addition constructed in 1996. The site features a large slope down from Gatehouse Road to the footprint of the dwelling, and then a large level area immediately behind the dwelling. The lot

features mature landscaping throughout.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

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

#### B. Site and Building Design

The petitioner is not proposing any changes to the site. The petitioner is proposing to enclose a rear veranda on the first floor and to construct five gable-style dormers to the attic level of a polygonal addition constructed in 1996. This polygonal addition is at the rear of the dwelling with minimal visibility from the street. The existing veranda contains window openings, but since the openings are not enclosed, the space does not count towards the FAR. Installing windows fully encloses the space, increasing the nonconforming FAR by 200 square feet. The five gable-style dormers will add 32 square feet to the attic space, which already contains space counted towards the FAR. Staff views these dormers as increasing light to the space, rather than increasing the massing of the dwelling. For these reasons, the Planning Department is unconcerned with the request to further increase the nonconforming FAR.



Proposed Dormers



Veranda to be Enclosed

#### C. Parking and Circulation

The petitioner is not proposing any changes to either the parking or to the circulation on site.

D. Landscaping and Screening

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 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 review from the Engineering Division of Public Works.

C. Chestnut Hill Local Historic District Review

The petitioner received a Certificate of Appropriateness from the Chestnut Hill Local District Commission (CHLHDC) for the dormers on January 18, 2018. The petitioner has not submitted to the CHLHDC yet to enclose the veranda. As such, the petitioner shall be required to receive approval from the CHLHDC to enclose the veranda prior to the issuance of a building permit.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

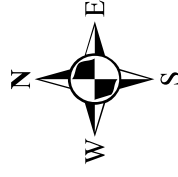
- |                      |                          |
|----------------------|--------------------------|
| <b>Attachment A:</b> | Zoning Map               |
| <b>Attachment B:</b> | Land Use Map             |
| <b>Attachment C:</b> | Zoning Review Memorandum |
| <b>Attachment D:</b> | DRAFT Order  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

**Attachment A**  
**Zoning Map**  
**Gate House Rd., 85**

*City of Newton,  
Massachusetts*

**Legend**

-  Single Residence 1
-  Building Outlines
-  Surface Water
-  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

0 50 100  
Feet

Map Date: April 30, 2019



**Attachment B**  
**Land Use Map**  
**Gate House Rd., 85**

*City of Newton,  
Massachusetts*

**Legend**

**Land Use**

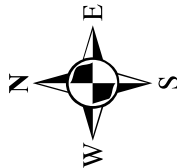
**Land Use**

Single Family Residential

Building Outlines

Surface Water

Property Boundaries



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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller

0 50 100 Feet

Map Date: April 30, 2019





**Ruthanne Fuller**  
Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: January 3, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Hilary Grove, Applicant  
Alex Knox, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, City Solicitor

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

Applicant: Hilary Grove	
<b>Site:</b> 85 Gate House Road	<b>SBL:</b> 63027 0016
<b>Zoning:</b> SR1	<b>Lot Area:</b> 22,152 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 85 Gate House Road consists of a 22,152 square foot lot improved with a single-family residence constructed in 1926. The petitioners propose to enclose a rear veranda and to construct five dormers to existing attic space built as an addition to the original dwelling in 1996. 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 Alex Knox, architect, dated 4/24/2018
- FAR Worksheet, submitted 4/24/2018
- Plot Plan, signed and stamped by James J. Abely, surveyor, undated
- Architectural Plans, prepared by Alex Knox, architect, dated 2/16/2018
- Building Elevation Exhibit Plan, prepared by Hancock Survey Associates, Inc, dated 12/19/2018



**ADMINISTRATIVE DETERMINATIONS:**

1. The applicants' existing FAR is .36, where .29 (.27 plus .02 bonus) is the maximum allowed. The enclosed veranda and five dormers add 232 square feet to the dwelling, resulting in an FAR of .37. 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. Special Permit #418-98 was granted in 1999 to allow alteration of the grade of land by more than three feet, per former section 30-5(b)(4). This provision is no longer in the Ordinance, and therefore no longer applies. To the extent necessary, Special Permit #418-98 may be abandoned.

<b>SR1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	15,000 square feet	22,152 square feet	No change
Frontage	80 feet	177 feet	No change
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 7.5 feet 15 feet	26.2 feet 17.1 feet 65.3 feet	No change No change No change
Height	36 feet	<b>42 feet</b>	<b>No change</b>
Max Number of Stories	2.5	2.5	No change
FAR	.27	<b>.36</b>	<b>.37</b>

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



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 .36 to .37, where .27 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 in the nonconforming FAR from .36 to .37, where .27 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 because the additions will add 232 square feet to the rear of the dwelling. (§3.1.9 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from .36 to .37 where .27 is the maximum allowed by-right is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the additions are not increasing the footprint of the dwelling and will be minimally visible from the street. (§3.1.9 and §7.8.2.C.2)

PETITION NUMBER: #129-19

PETITIONER: Hilary Grove

LOCATION: 85 Gate House Road, on land known as Section 63, Block 27, Lot 16, containing approximately 20,152 square feet of land

OWNER: Hilary Grove

ADDRESS OF OWNER: 85 Gate House Road  
Chestnut Hill, MA 02467

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.8.2.C.2 to further increase the nonconforming FAR

ZONING: Single Residence 1 district

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #41-19(2) are null and void.

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. Plot Plan, signed and stamped by James J. Abely, Professional Land Surveyor, undated
  - b. Architectural Plans and Elevations, signed and stamped by Alexander J. Knox, Registered Architect, dated February 11, 2019, consisting of seven (7) sheets.
2. Prior to the issuance of any building permit to enclose the veranda, the petitioner shall receive approval from the Chestnut Hill Local Historic District Commission.
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 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. 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 as built FAR of the dwelling.
  - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and electronic format signed and stamped by a licensed land surveyor.