



#258-19

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

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:	September 5, 2019
Land Use Action Date:	November 12, 2019
City Council Action Date:	November 18, 2019
90-Day Expiration Date:	December 4, 2019

DATE: August 30, 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 #258-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the existing nonconforming FAR by replacing an existing one-story addition with a two-story addition, creating an FAR of .64 where .51 exists and .46 is allowed at 11 Canterbury Road, Ward 5, Newton Highlands, on land known as Section 54 Block 45 Lot 14, containing approximately 4,325 sq. ft. in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 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.



11 Canterbury Road

EXECUTIVE SUMMARY

The property located at 11 Canterbury Road consists of a 4,325 square foot lot in the Single Residence 2 (SR-2) zone in Newton Highlands. The lot is improved with a 2.5-story, single-family residence constructed circa 1900 as well as a detached garage. The petitioners are seeking to demolish an existing one-story rear addition and construct a two-story addition, with a larger footprint. The proposed addition adds 587 square feet, increasing the nonconforming floor area ratio (FAR) from .51 to .64, where .41 is allowed, requiring a special permit.

The Planning Department is unconcerned with the request to further increase the nonconforming floor area ratio. The proposed addition is replacing an existing addition and is not higher than the existing structure. The proposed addition meets all setback requirements and is consistent with the size and scale of the homes in this neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the

Council should consider whether:

- The proposed increase in the nonconforming FAR from .51 to .64, where .41 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)

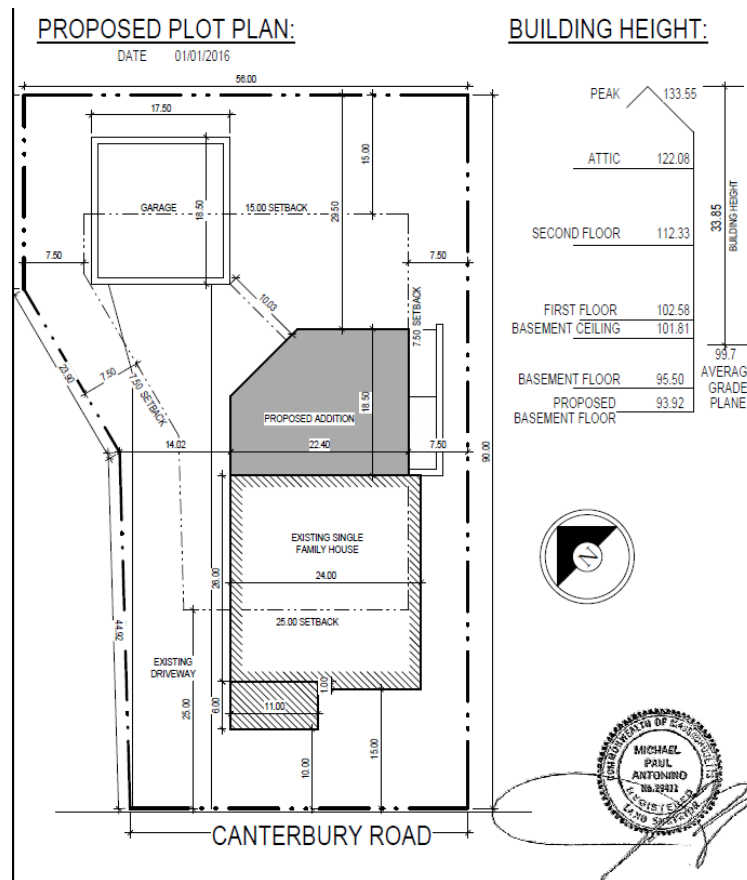
II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Canterbury Road in the SR-2 zone in Newton Highlands. Canterbury Road extends to Meredith Avenue which connects to Boylston Street westbound. The site is in close proximity to the Eliot T station, less than a five minute walk away. The SR-2 zone encompasses much of the surrounding neighborhood and adjacent properties. There are also multi residence zones directly across from the site on Waldorf Road and Meredith Avenue (**Attachment A**). The surrounding land use of the neighborhood is mostly single family residential, however there are multifamily residential uses nearby (**Attachment B**). In the surrounding neighborhood, there are similarly sized lots with larger structures on them as well as bulk focused to the rear of the dwelling.

B. Site

The site consists 4,325 square feet of land and is improved with 2.5 story single family residence and detached garage. The lot is served by one curb cut on Canterbury Road, leading to a driveway and a 324 square foot detached garage. The site is relatively level and has mature landscaping to screen it from the MBTA green line tracks that run north of the site. The site has a nonconforming frontage of 45 feet, where 80 feet is required and a nonconforming front setback of 10 feet where 25 feet is required.



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

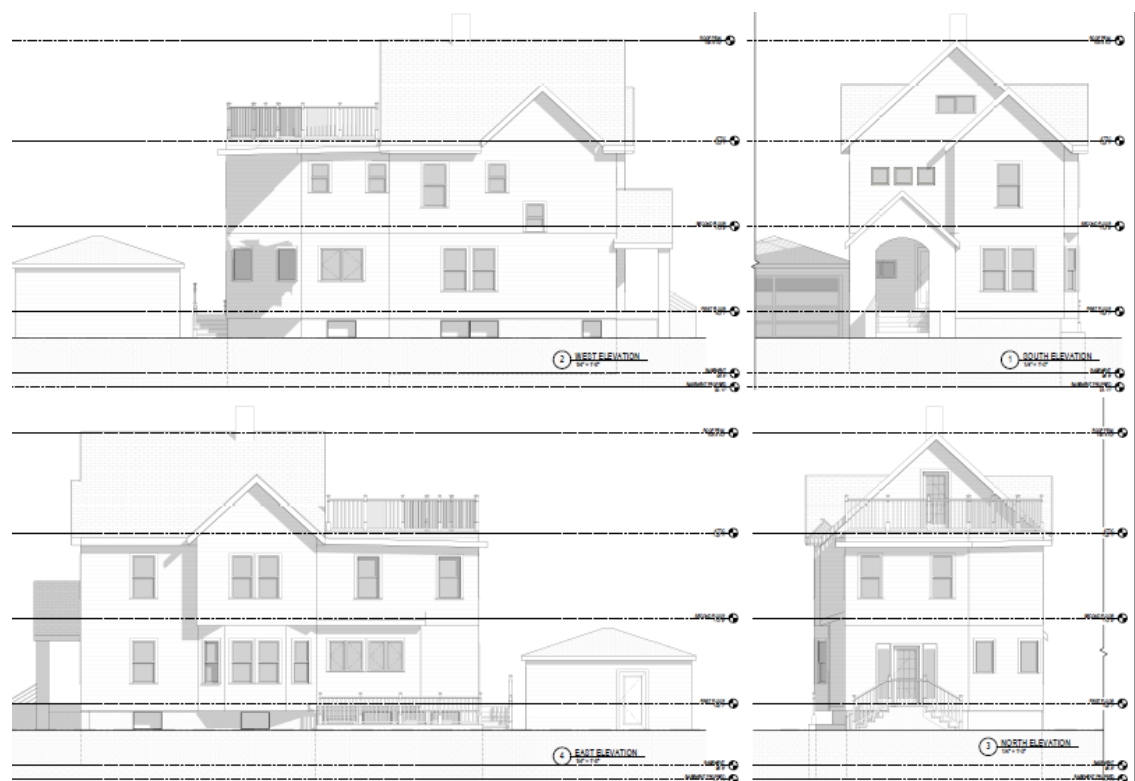
B. Building and Site Design

The petitioners are seeking to demolish a one-story addition in order to construct a two-story addition to the rear of the single-family dwelling. The proposed addition would be in place of an existing single-story addition, to be demolished. The proposed addition

results in an additional 587 square feet of floor area, increasing the nonconforming FAR from .51 to .64. The proposed addition would alter the rear setback, decreasing it from 48 feet to 29.5 feet and increases the lot coverage from 20.5% to 25.5%, below the maximum allowed of 30%. The proposed addition also decreases the space between the main dwelling to the garage about four feet, creating a distance of ten feet. From the average grade plane to the roof of the addition, it is approximately 22 feet 4 inches, while the height of the existing dwelling is 33 feet 10 inches. The petitioners are also proposing a roof deck on top of the addition.

The Planning Department is unconcerned with the addition because it is consistent with the size and scale of the neighboring homes. Neighboring homes also have bulk to the rear of the dwelling, larger homes on smaller lots, and the addition will be well screened by landscaping. The Planning Department is also unconcerned because the project meets all other dimensional requirements.

Elevations:



C. Parking and Circulation

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

D. 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

The structure was found to be historically significant, and the project was approved administratively with final review of construction plans as required.

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 Council Order |





ATTACHMENT A

Zoning

11 Canterbury Road

*City of Newton,
Massachusetts*

Zoning

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Public Use

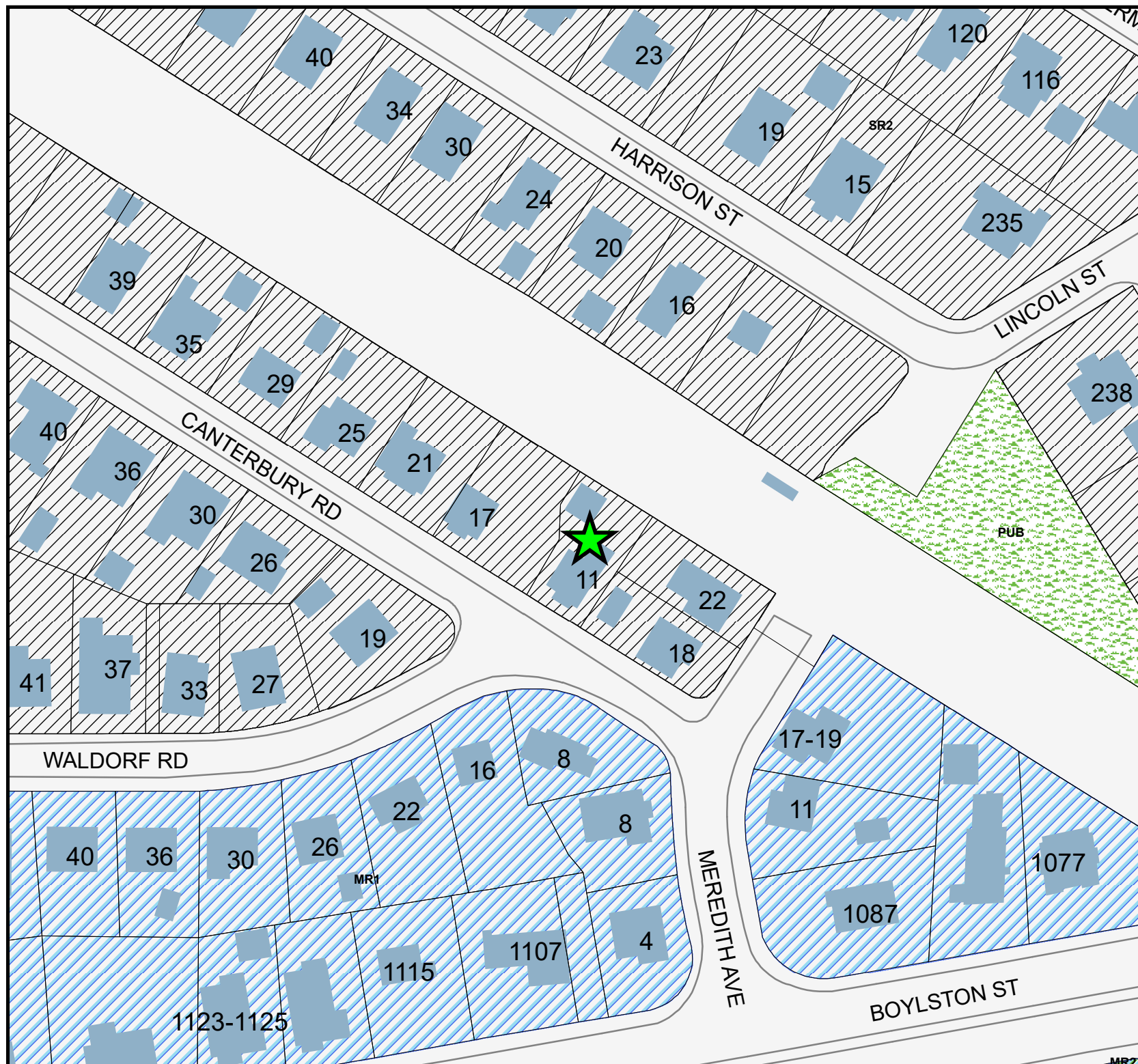


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: August 21, 2019







ATTACHMENT B

Land Use

11 Canterbury Road

*City of Newton,
Massachusetts*

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Nonprofit Organizations
-  Vacant Land

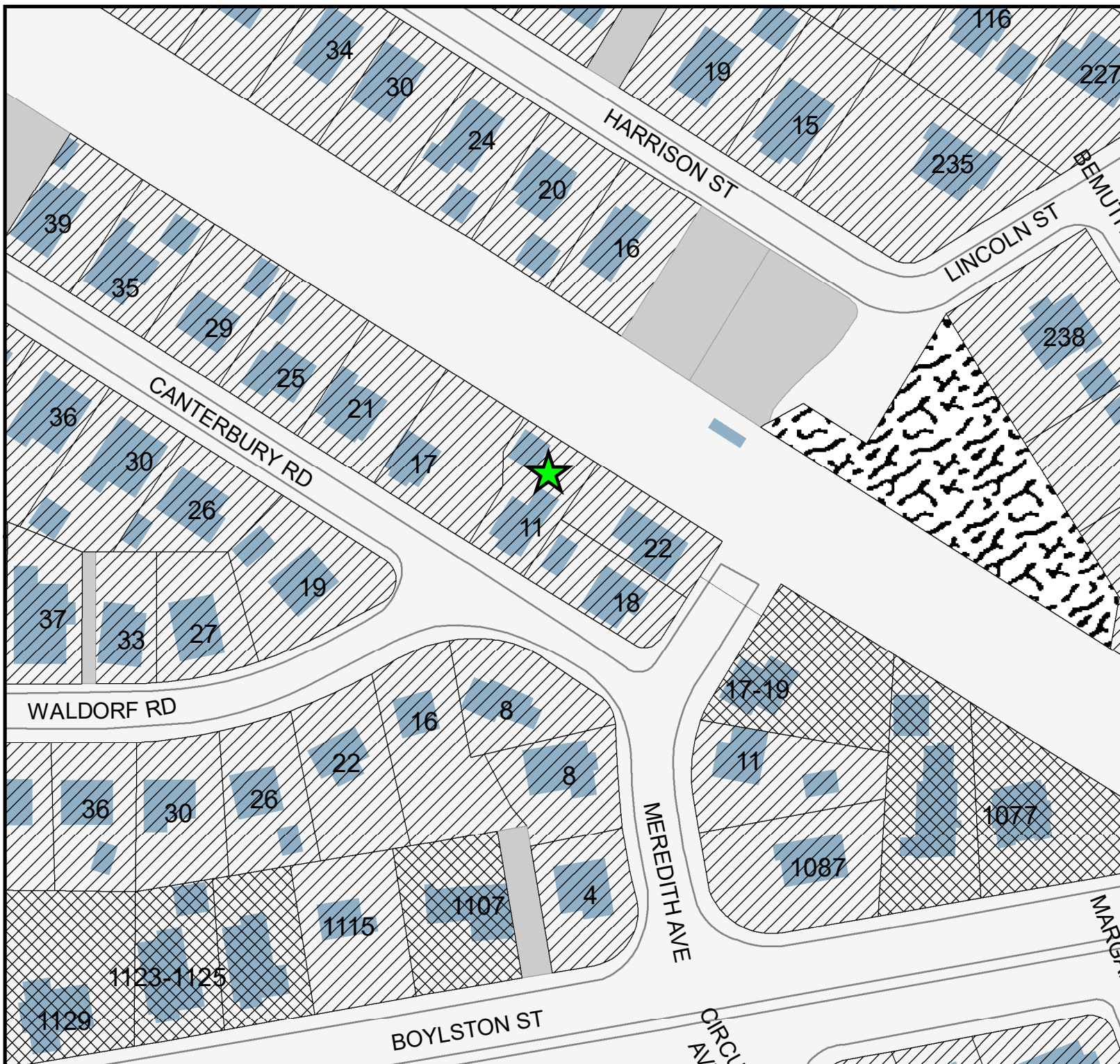


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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 8, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Richard T. and Yoko S. Bryden, Applicants
Timothy Burke Architecture, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Acting City Solicitor

RE: Request to further increase nonconforming FAR

Applicant: Richard and Yoko Bryden	
Site: 11 Canterbury Road	SBL: 54045 0014
Zoning: SR2	Lot Area: 4,325 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 11 Canterbury Road consists of a 4,325 square foot lot improved with a single-family residence constructed in 1900 and a detached garage. The petitioners propose to demolish an existing one-story addition at the rear of the dwelling and construct a two-story addition, increasing the footprint. 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 Timothy Burke, architect, submitted 5/21/2019
- FAR Worksheet, submitted 5/21/2019
- Proposed Plot Plan, signed and stamped by Michael Paul Antonino, surveyor, undated
- Architectural Plans and Elevations, prepared by Timothy Burke, architect, dated 1/1/2016

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to demolish an existing one-story rear addition, and construct a two-story addition with a larger footprint. The existing FAR is .51, where .46 is the maximum allowed. The proposed addition adds 587 square feet to the dwelling, resulting in an FAR of .64. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	4,325 square feet	No change
Frontage	80 feet	45 feet	No change
Setbacks			
• Front	25 feet	10 feet	No change
• Side	7.5 feet	<7.5 feet	No change
• Rear	15 feet	48 feet	29.5 feet
Max Number of Stories	2.5	2.5	No change
FAR	.46	.51	.64
Max Lot Coverage	30%	20.5%	25%
Min. Open Space	50%	63.9%	59.3%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<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

#258-19
11 Canterbury 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 further increase the nonconforming Floor Area Ratio (FAR) from .51 to .64, where .46 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 .51 to .64, where .46 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 proposed addition of two stories to the rear of the home is similar to other structures in the neighborhood. (§3.1.9 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from . 51 to .64, where .46 is the maximum allowed by-right is not substantially more detrimental than the existing nonconforming FAR is to the neighborhood because the addition meets all other dimensional standards and is not higher than the existing structure. (§3.1.9 and §7.8.2.C.2)

PETITION NUMBER:	#258-19
PETITIONER:	Richard and Yoko Bryden
LOCATION:	11 Canterbury Road, on land known as Section 54, Block 45, Lot 14, containing approximately 4,325 square feet of land
OWNER:	Richard and Yoko Bryden
ADDRESS OF OWNER:	11 Canterbury Road Newton, MA 02461
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 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. "Proposed Plot Plan", signed and stamped by Michael Paul Antonio, Professional Land Surveyor, dated November 16, 2018.
 - b. Architectural Plans and Elevations, signed and stamped by Timothy Burke, Registered Architect, dated July 10, 2019 consisting of four (4) sheets.
 1. A0.1, Site Conditions Existing and Proposed
 2. D1.1, Demolition Plans
 3. A1.1 Floor Plans (basement, first floor, second floor, and attic)
 4. A3.1 Elevations
2. Prior to the issuance of any Building Permit, the petitioners 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 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 statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built 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. Provided a recorded copy of the O&M Plan in accordance with Condition #3 above.

- d. 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.