



**City of Newton, Massachusetts**  
Department of Planning and Development  
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**#256-19**

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Ruthanne Fuller  
Mayor

Barney Heath  
Director

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**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 #256-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct dormers on each side of the second floor, vertically extending the non-conforming front setback at 2 Thaxter Road, Ward 1, Newtonville, on land known as Section 21 Block 04 Lot 14, containing approximately 4,952 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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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.



**2 Thaxter Road**

### **EXECUTIVE SUMMARY**

The property located at 2 Thaxter Road contains a 4,952 square foot corner lot in the Single Residence 3 (SR-3) zone in Newton Centre. The lot is improved with a single-family residence constructed circa 1930 and an attached garage. The petitioner proposes to construct dormers on each side of the second level of the dwelling. The dormer that fronts Parkway Road requires a special permit to vertically extend a nonconforming front setback. Since the lot is a corner lot, there are two front setbacks, 25.6 feet on Thaxter Road and 16 feet on Parkway Road, where 25 feet is required. The alteration to the side of the dwelling with a nonconforming front setback requires a special permit to vertically extend the nonconforming front setback on Parkway Road.

The Planning Department is unconcerned with the petition to extend the nonconforming front setback. There are two front setbacks associated with this property and the setback that is nonconforming is measured from an unpaved street that does not connect the segments of Parkway Road. The proposed dormers that would extend the nonconforming front setback on Parkway Road would not be visible to other homes in the neighborhood and would well screened. Other homes in the neighborhood have shed dormers, as well as other types of dormers.

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

When reviewing this request, the

Council should consider whether:

- The proposed dormers that would further extend a nonconforming front setback on Parkway Road is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)

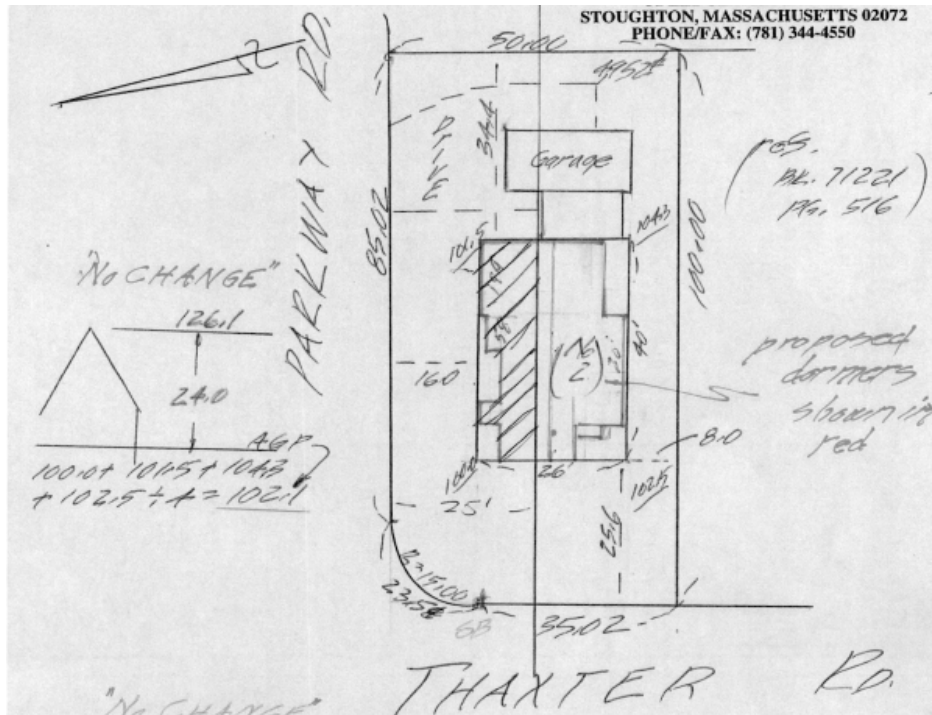
#### **II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

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

The subject property is located on the corner of Thaxter Road and Parkway Road in the SR-3 zone in Newtonville. The SR-3 zone encompasses the surrounding area and neighborhoods, aside from a public use zone that separates the neighborhood from the Charles River (**Attachment A**). The land use of the properties in the neighborhood are all single family residential (**Attachment B**). Many homes on Thaxter Road have dormers of similar style and scale to the dormers proposed.

##### **B. Site**

The site consists of 4,952 square feet of land and is improved with a 1.5 story single-family dwelling. The lot is served by one curb cut from Parkway Road providing access to a driveway and single car attached garage. There is a slight downward slope from



On the elevations below, the left elevation is the elevation in which the nonconforming front setback would be extended vertically.

*Existing:*



*Proposed:*



The Planning Department is unconcerned with the petition to extend the nonconforming front setback. There are two front setbacks associated with this property and the setback that is nonconforming is measured from an unpaved street that does not connect the segments of Parkway Road. The dormers that extend the nonconforming front setback on Parkway Road would not be visible to other homes in the neighborhood and would well screened.

C. Parking and Circulation

The petitioners are not proposing any changes to either the parking on 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:

- §3.1.3 and §7.8.2.C.2 of Section 30, to further extend a nonconforming front setback

B. Engineering Review

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

C. Historic Preservation Review

This petition was approved administratively on February 19, 2019 with final review of the 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

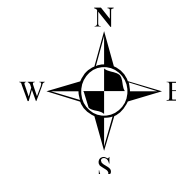
## Zoning

### 2 Thaxter Road

*City of Newton,  
Massachusetts*

## Zoning

-  Single Residence 3
-  Multi-Residence 1
-  Public Use

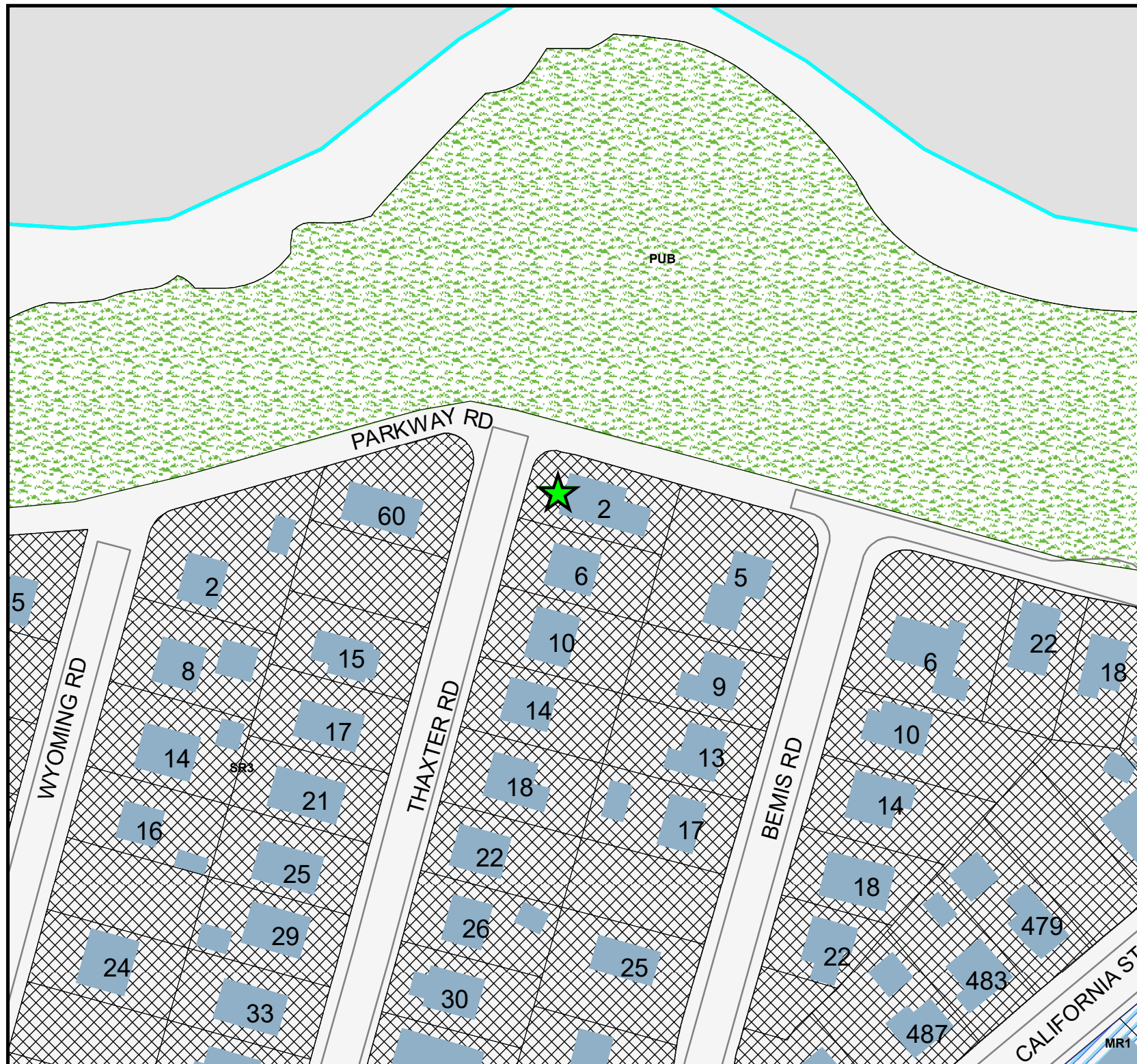


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve 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: August 23, 2019







# ATTACHMENT B

## Land Use

### 2 Thaxter Road

*City of Newton,  
Massachusetts*

#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land



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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

**Date:** June 27, 2018

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

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

**Cc:** Elise Stone and Terry Rourke, Architects  
Ken Thornby, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE:** Request to further extend a nonconforming front setback

Applicant: Ken Thornby	
<b>Site:</b> 2 Thaxter Road	<b>SBL:</b> 21004 0014
<b>Zoning:</b> SR2	<b>Lot Area:</b> 4,952 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 2 Thaxter Road consists of a 4,952 square foot corner lot improved with a single-family residence constructed in 1930. The petitioner proposes to construct dormers on each side of the house on the second level, which will vertically extend a nonconforming front setback, requiring a special permit.

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

- Zoning Review Application, prepared by Elise Stone and Terry Rourke, Architects, dated 4/24/2019
- FAR Worksheet, submitted 4/24/2019
- Plot Plan, signed and stamped by Michael Paul Antonino, surveyor, dated 1/26/2019
- Architectural Plans, signed and stamped by Elise Stone, Architect, dated 10/19/2018

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner intends to construct dormers on each side of the existing one and one-half story single-family structure, creating a two-story structure by adding 431 square feet to the second level. The property is a corner lot, requiring a front setback of 25 feet from each street. The existing front setback from Parkway Road is nonconforming at 16 feet. The proposed dormer addition vertically extends the nonconforming front setback, though does not increase it. A special permit pursuant to Sections 3.1.3 and 7.8.2.C.2 is required to vertically extend the nonconforming front setback to allow for construction of the dormer.

<b>SR3 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	7,000 square feet	<b>4,952 square feet</b>	<b>No change</b>
Frontage	70 feet	<b>50 feet</b>	<b>No change</b>
Setbacks <ul style="list-style-type: none"> <li>• Front (Thaxter Rd)</li> <li>• Front (Parkway Rd)</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 25 feet 7.5 feet 15 feet	25.6 feet <b>16 feet</b> 8 feet 34.4 feet	<b>No change</b> <b>No change</b> No change No change
Max Lot Coverage	30%	28%	No change
Min. Open Space	50%	61%	No change
FAR	.48	.36	.45

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3, §7.8.2.C.2	Request to further extend a nonconforming front setback	S.P. per §7.3.3

#256-19  
2 Thaxter 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 extend the non-conforming side setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The project as designed that would vertically extend the nonconforming side setback on Parkway Road is not substantially more detrimental than the existing nonconforming structure is to the neighborhood given that proposed dormer is on a less visible side of the dwelling and will be well screened. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER:	#256-19
PETITIONER:	Ken Thornby
LOCATION:	2 Thaxter Rd., on land known as Section 21 Block 04, Lot 14, containing approximately 4,952 square feet of land
OWNER:	Ken Thornby
ADDRESS OF OWNER:	2 Thaxter Road Newton, MA 02460
TO BE USED FOR:	Single-Family Dwelling
CONSTRUCTION:	Wood frame
EXPLANATORY NOTES:	§3.1.3 and §7.8.2.C.2 to further extend the nonconforming side setback by constructing dormers to the second floor.
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. "Addition Plan, No. 2 Thaxter Road," signed and stamped by Michael Paul Antonio, Registered Land Surveyor, dated January 26, 2019.
  - b. Architectural Plans and Elevations, Prepared by Elise Stone and Terry Rourke, signed and stamped by Elise Stone, dated October 19, 2018 consisting of nine (9) sheets
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.