



City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: March 10, 2020
Land Use Action Date: May 25, 2020
City Council Action Date: June 1, 2020
90-Day Expiration Date: June 8, 2020

DATE: March 6, 2020

TO: City Council

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

SUBJECT: **Petition #118-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the nonconforming setback by constructing a covered front porch and entry, decreasing the nonconforming setback from 20.9' to 18.6' where 20.8 is allowed at **112 Grasmere Street**, Ward 1, Newton, on land known as Section 71 Block 28 Lot 09, containing approximately 9,254 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 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 which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



112 Grasmere Street

EXECUTIVE SUMMARY

The property at 112 Grasmere Street consists of a 9,254 square foot corner lot in a Single Residence 3 (SR3) district currently improved with a 4,703 square foot, 2 ½ story single-family dwelling constructed ca. 1896 and a 368 square foot detached garage structure. The dwelling, which has front setbacks from both Grasmere and Merton streets, was previously used as two-family dwelling until it was converted to single-family use by the petitioners.

The existing dwelling is located 20.8 feet from Grasmere Street, 0.1 feet less than the 20.9 foot front setback required per the averaging provision of Sec. 1.5.3.B of the Newton Zoning Ordinance (NZO). The petitioners propose to construct a new porch and covered entry that would further extend the existing nonconforming front setback by 2.4 feet, to 18.6 feet, requiring a Special Permit per Sec. 7.8.2.C.2.

The petitioners also intend to demolish the existing detached garage and a two-story rear porch and construct an attached garage addition on the southeast side of the dwelling (at the “rear corner” of the property). As this would increase the square footage of the dwelling only slightly, from 5,071 to 5,134 square feet (63 square feet), the floor area ratio (FAR) would remain at 0.55. As such, and as other dimensions would be conforming (and, in the case of the resulting rear and side setbacks, increased as compared to the existing detached garage), the proposed garage addition itself does not require zoning relief.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

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

- The proposed extension of the nonconforming front setback will be substantially more detrimental than the existing nonconforming front setback is to the neighborhood (§3.1.3; §7.8.2.C.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located at the eastern corner of Grasmere and Merton streets. The neighborhood is generally a mix of single-family and two-family dwellings, with the latter more common to the south of the site along Washington Street. The area is primarily zoned in a Single Residence 3 (SR3), with a Multi Residence 1 (MR1) district located south of Washington Street. **(Attachments A & B).**

B. Site

The subject property at 112 Grasmere Street consists of a 9,254 square foot corner

lot at the corner of Grasmere and Merton streets. It is improved with a 4,703 square foot, 2 ½ story single-family dwelling constructed and a 368 square foot detached garage structure.

The lot is level and features some mature vegetation, including mature trees and shrubbery and lawn area. It is accessed via a driveway of varying width along the southeastern property line served by a curb cut off Merton Street. A patio built in 2015 located between the dwelling and Merton Street is screened from adjoining public ways and properties by a fence.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building Design

The existing dwelling is located 20.8 feet from Grasmere Street, where 20.9 feet is the required setback per the averaging provision of section 1.5.3.B. The petitioners intend to construct a covered one-story front porch on the existing structure facing Grasmere Street, further reducing the nonconforming front setback by 1.8 feet, to 18.6 feet. The porch would be open and reached by a generously proportioned stair aligned with the front dwelling's front entry.

Considering the entire project as depicted on the plans submitted with the present petition, including the demolition of the existing detached garage and a two story rear porch and the construction of a new attached garaged on the rear of the dwelling, the height of the resulting structure would be 0.1 feet higher, but only as a result of a correlating lowering of the average grade plan (i.e., the dwelling's ridge would remain unchanged). The square footage of the dwelling would increase only marginally, from 5,071 to 5,134 square feet (63 square feet), and the floor area ratio (FAR) would remain at 0.55.

The site's lot coverage would increase from 24.4% to 29.2%, remaining just below the maximum 30% allowed, while its open space would decrease from 60% to 57% but remain above the 50% minimum required.

C. Parking and Circulation

As proposed, the existing detached garage would be replaced with a new attached garage on the dwelling's south east façade. All vehicular access and egress to the property and garage would be via the existing curb cut on Merton Street.

D. Landscape Screening

A landscape plan was not submitted with this petition. The Planning Department suggests that the petitioners make best efforts to retain the existing mature trees at the back of the sidewalk along Grasmere Street and adjacent to the driveway at the back of the Merton Street sidewalk, as well as the existing vegetative screening along the property's southeast boundary line adjacent to the driveway.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the Memorandum, the petitioner is seeking the following relief:

Special permit per §7.3.3:

- to further extend a nonconforming front setback (§3.1.3; §7.8.2.C.2).

B. Engineering Review

No engineering review is required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this project be approved.

C. Newton Historical Commission

On December 29, 2019 Newton Historical Commission staff reviewed the proposed work, including the demolition of the existing garage. While finding the property historically significant, staff did not delay demolition and approved the project based upon submitted materials but will require approval of final plans.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

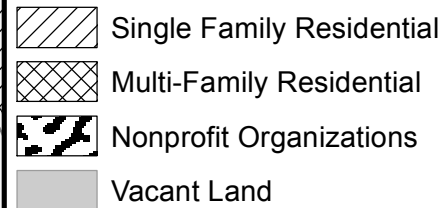
ATTACHMENTS:

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

*City of Newton,
Massachusetts*

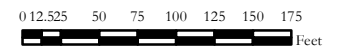
Land Use

Land 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



Map Date: February 20, 2020



ATTACHMENT B

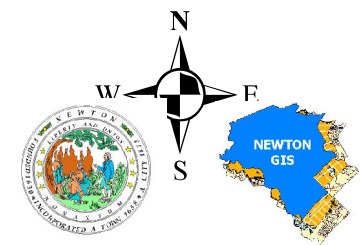
Zoning

112 Grasmere St.

*City of Newton,
Massachusetts*

Legend

-  Single Residence 3
-  Multi-Residence 1



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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0 12.5 25 50 75 100 125 150 175
Feet

Map Date: February 20, 2020





Ruthanne Fuller
Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 27, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Jen and Chris Murphy, Applicants
Lee Silverstone, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to extend a nonconforming front setback

Applicant: Jen & Chris Murphy	
Site: 112 Grasmere Street	SBL: 71028 0009
Zoning: SR3	Lot Area: 9,254 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 112 Grasmere Street consists of a 9,254 square foot corner lot currently improved with a single-family dwelling and a detached single-car garage structure. The dwelling was previously used as two-family and was converted to a single-family dwelling by the petitioners. The dwelling has an existing nonconforming front setback from Grasmere Street. The petitioners propose to construct a new porch and covered entry, which will further extend the nonconforming front setback, as well as to raze the existing detached garage and construct a new attached garage.

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

- Zoning Review Application, prepared Lee Silverstone, architect, submitted 12/20/2019
- Existing Condition Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 6/19/2019
- Proposed Condition Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 12/19/2019
- Architectural plans and elevations, prepared by Lee Silverstone, architect, dated 12/20/2019

ADMINISTRATIVE DETERMINATIONS:

1. The existing dwelling is located 20.8 feet from Grasmere Street, where 20.9 feet is the required setback per the averaging provision of section 1.5.3.B. The petitioners intend to construct a covered front porch on the existing structure facing Grasmere Street, further extending the nonconforming front setback to 18.6 feet. To further extend the nonconforming front setback requires a special permit per section 7.8.2.C.2.
2. The proposed attached garage addition increases the square footage of the existing dwelling 63 square feet, as the existing detached garage is being demolished. While the square footage of the dwelling increases from 5,071 to 5,134 square feet, the FAR remains at .55.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	9,254 square feet	No change
Frontage	70 feet	75 feet	No change
Setbacks - <ul style="list-style-type: none">• Front – Grasmere St• Front – Merton St• Side• Rear	20.9 feet 25 feet 7.5 feet 15 feet	20.8 feet 30.4 feet 10.4 feet ±30 feet	18.6 feet 30.1 feet 7.6 feet 15.1 feet
Height	36 feet	32.8 feet	32.9 feet
Stories	2.5	2.5	No change
FAR	.43	.55	No change
Max Lot Coverage	30%	24.4%	29.2%
Min. Open Space	50%	60%	57%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<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

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

ATTACHMENT D

DRAFT #118-20
112 Grasmere Street

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 a nonconforming front setback of 20.8 feet to 18.6 feet where 20.9 feet are required per Sec. 1.5.3.B of the Newton Zoning Ordinance, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed extension of the nonconforming front setback is not substantially more detrimental than the existing nonconforming front setback is to the neighborhood given that the proposed open porch and covered entry is one-story in height and would be subordinate in scale to the existing dwelling (§3.1.3 and §7.8.2.C.2).

PETITION NUMBER:	#118-20
PETITIONER:	Jennifer and Chris Murphy
LOCATION:	112 Grasmere Street, on land known as Section 71 Block 28 Lot 09, containing approximately 9,254 sq. ft.
OWNER:	Jennifer and Chris Murphy
ADDRESS OF OWNER:	112 Grasmere Street Newton, MA 02116
TO BE USED FOR:	Single-Family Dwelling
CONSTRUCTION:	Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further continue a nonconforming front setback

ZONING: Single Residence 3 (SR3) 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. A site plan entitled "Plan of Land in Newton, MA, 112 Grasmere Street, Existing Condition," prepared by Everett M. Brooks, Co., dated March 3, 2020, as revised through March 4, 2020, signed and stamped by Bruce Bradford, Professional Land Surveyor on March 4, 2020;
 - b. A site plan entitled "Plan of Land in Newton, MA, 112 Grasmere Street, Proposed Addition," prepared by Everett M. Brooks, Co., dated March 3, 2020, as revised through March 4, 2020, signed and stamped by Bruce Bradford, Professional Land Surveyor on March 4, 2020;
 - c. Architectural plans entitled "Jen And Chris Murphy Residence 112 Grasmere St, Newton MA 02458," prepared by SB Architects, dated January 28, 2020, signed and stamped by Phillip H Bakalohuk, Registered Architect, consisting of the following sheets:
 - i. Drawing List (A0.0);
 - ii. Existing Basement Plan (X1.0);
 - iii. Existing 1st Floor Plan (X1.1);
 - iv. Existing 2nd Floor Plan (X1.2);
 - v. Existing 3rd Floor Plan (X1.3);
 - vi. Existing Roof Plan (X1.4);
 - vii. Existing Front Elevation (X2.1);
 - viii. Existing Right Elevation (X2.2);
 - ix. Existing Rear Elevation (X2.3);
 - x. Existing Left Elevation (X2.4);
 - xi. Proposed Basement Plan (A1.0)
 - xii. Proposed 1st Floor Plan (A1.1);
 - xiii. Proposed 2nd Floor Plan (A1.2);
 - xiv. Proposed 3rd Floor Plan (A1.3);
 - xv. Proposed Roof Plan (A1.4
 - xvi. Proposed Front Elevation (A2.1);
 - xvii. Proposed Right Elevation (A2.2);
 - xviii. Proposed Rear Elevation (A2.3);
 - xix. Proposed Left Elevation (A2.4);
 - xx. 3D Rendering (A2.5).

- d. A document entitled "FAR Calculations for 112 Grasmere St, Newton MA 02458," prepared by SB Architects, dated December 20, 2019, signed and stamped by Phillip H Bakalohuk, Registered Architect, indicating a proposed "Total gross floor area" of 5,134 square feet and a proposed "FAR" (floor area ratio) of 0.55.
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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. 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 and land surveyor 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 an architect and licensed land surveyor including the as built floor area ratio of the structure.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.