



City of Newton, Massachusetts

Department of Planning and Development
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PUBLIC HEARING MEMORANDUM

	Public Hearing Date:	April 14, 2020
	Land Use Action Date:	June 29, 2020
	City Council Action Date:	July 6, 2020
	90-Day Expiration Date:	July 13, 2020
DATE:	April 10, 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 #143-20 for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage structure and replace it with a two-car detached garage and covered porch with a total ground floor area of 796 sq. ft. at 99 Pine Ridge Road , Ward 5, Waban, on land known as Section 53 Block 19 Lot 23 containing approximately 12,000 sq. ft. in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.3.A.3 of Chapter 30 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.



99 Pine Ridge Road

EXECUTIVE SUMMARY

The property at 99 Pine Ridge Road consists of a 12,000 square foot lot in a Single Residence 2 (SR-2) district improved with an approximately 3,400 square foot, 2 ½ story, single-family residence built circa 1900 and a 400 square foot detached garage. The petitioners propose to replace the garage with a new detached accessory structure that would include a two-car garage, covered porch, potting shed and attic storage space.

As the proposed accessory structure would have a total ground floor area of approximately 796 square feet, per Sec. 3.4.3.A.3 of the Newton Zoning Ordinance it requires a special permit for an accessory building with a ground floor area in excess of 700 square feet.

The Planning Department is generally not concerned with the creation of the proposed accessory structure. Although the Planning Department would prefer that the footprint of the accessory structure not exceed 700 square feet, it nevertheless recognizes that the proposed location has limited visibility from the adjacent public way and properties and will not unnecessarily detract from the neighborhood's streetscape.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

1. The specific site is an appropriate location for the proposed accessory structure with a ground floor area in excess of 700 square feet that contains a two-car garage, covered porch, potting shed and attic storage space (§7.3.3.C.1)
2. The proposed accessory structure with a ground floor area in excess of 700 square feet that contains a two-car garage, covered porch, potting shed and attic storage space will adversely affect the neighborhood as (§7.3.3.C.2).
3. The structure as proposed will be a nuisance or create a serious hazard to vehicles or pedestrian (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The neighborhood, which is in a Single Residence 2 (SR2) district, is uniformly occupied by single-family dwellings (**Attachments A & B**).

B. Site

The 12,000 square foot property is improved with an approximately 3,400 square foot, 2 ½ story, single-family dwelling and a 400 square foot detached garage.

While the property is generally level, it slopes considerably downward in the rear left corner of the lot, with that grade change being as much as 18 feet. There are several mature trees on the property as well as lawn area and other vegetation.

The residence is accessed by an approx. 9.7-foot-wide driveway on the relatively level right (east) side of the property that provides access to the existing detached garage.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

If the present petition is granted the property would contain a single-family residence and a larger detached accessory structure.

B. Building and Site Design

The petitioners propose to demolish the existing detached garage and construct a new detached accessory structure that includes a two-car garage, attic space, a potting shed area and a porch

(Planning staff notes that the petitioners also intend to construct a small first floor addition to the rear of the dwelling that requires no relief but changes the overall height of the principal structure due to the average grade, from 35.62 feet to 35.65 feet, just below the maximum 36 feet allowed.)

As proposed, the new detached accessory structure would be of wood-frame construction and have a somewhat “L” shaped footprint that measures approximately 796 square feet and would rise to 21.82 feet in height, just below the maximum 22 feet allowed for an accessory structure. It would contain a two-car garage of 564 square feet, a 118 square foot potting shed (or “sunroom”) area and an approximately 119.6 square foot porch. The structure would also have 136 square feet of attic-level storage space countable toward the property’s floor area ratio (FAR) accessed from the garage area via a pull-down stair.

The accessory structure would be located approximately 115 from the front (south) property line. While at 5.5 feet, its right (east) setback would be greater than the existing garage’s 4-foot setback; the structure’s rear (north) setback would be 10 feet, less than the existing garage’s 15 feet.

The property’s FAR would increase by 0.04, from 0.31 to 0.35, but remain below the maximum 0.36 allowed by right. Lot coverage would increase from 17.4% to 21.7%, below the maximum 30% allowed; open space would decrease from 68% to 61.4% but remain well above the required 50% minimum.

C. Parking and Circulation

By placing the proposed two car garage generally in the location of the existing garage, the proposed project will alter the parking configuration for the property slightly by providing additional enclosed garage area and by expanding the paved

parking area in front of the new garage along its periphery. The existing bituminous driveway and associated curb cut along Pine Ridge Road will continue to be used.

D. Landscape Screening

No landscaping plan was provided with the petition. The Planning Department suggests the petitioners consider installing some vegetative screening along the side and rear of the proposed accessory structure.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**Attachment C**) provides an analysis of the proposal with regard to zoning. Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit/Site Plan Approval for the following relief:

- Special permit per §7.3.3 to allow an accessory structure with a ground floor area greater than 700 square feet (§3.4.3.A.3)

B. Historic Preservation Review

On April 2, 2019 the Newton Historic Commission found the existing structure “historically significant” and approved the proposed project based on submitted materials, requiring only its review of final plans.

C. Engineering Review

The Associate City Engineer submitted an Engineering Review Memorandum (**Attachment D**), providing an analysis of the proposal regarding engineering issues.

V. PETITIONERS’ 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:	Engineering Division Memorandum
Attachment E:	DRAFT Order

ATTACHMENT A

Zoning

99 Pine Ridge Road

*City of Newton,
Massachusetts*

Legend

 Single Residence 2



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 Feet

Map Date: April 03, 2020



ATTACHMENT B




Land Use

99 Pine Ridge Road

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Mixed Use
-  Vacant Land

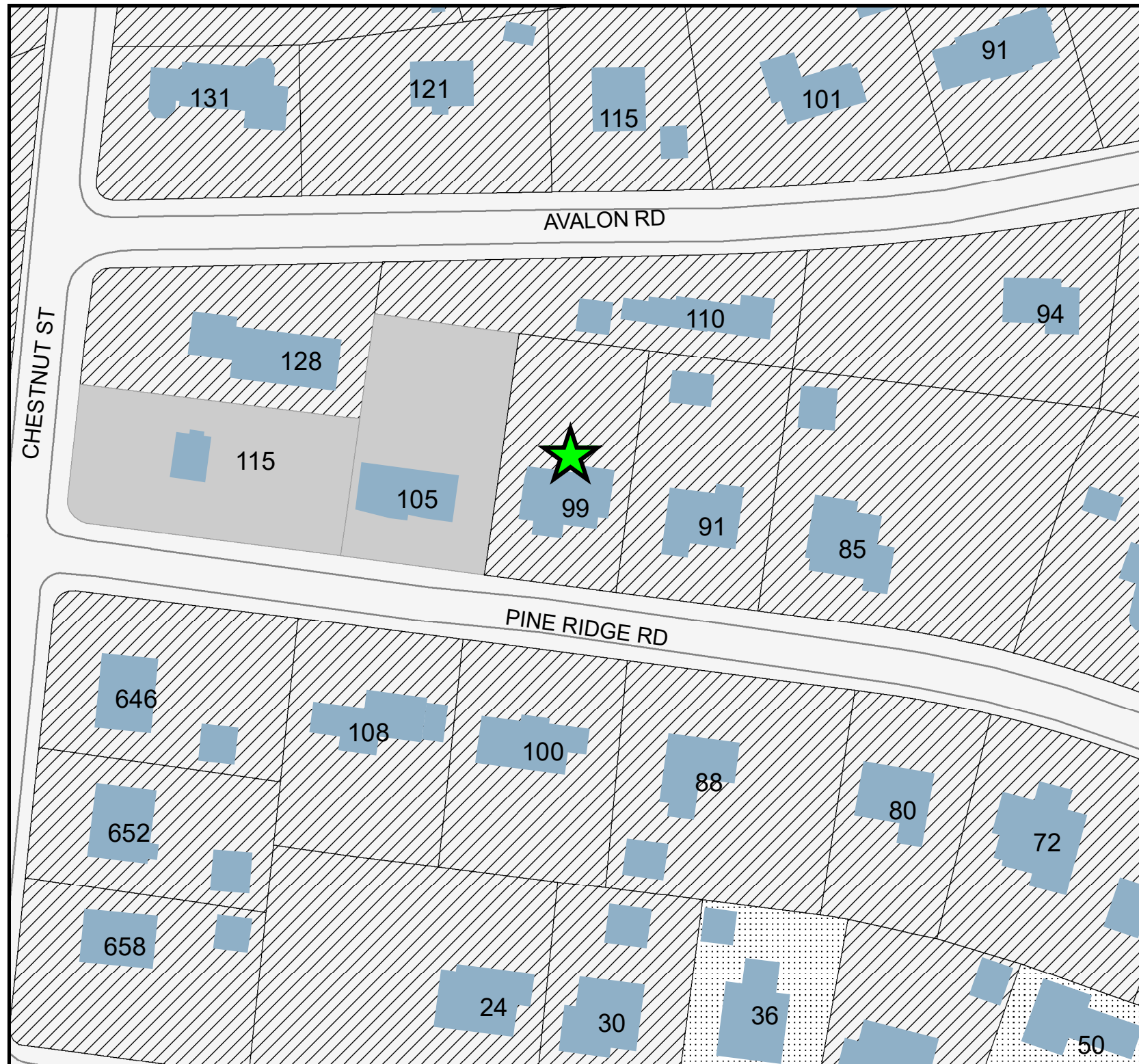


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0 12.5 25 50 75 100 Feet

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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: Jonathan Miller, Architect
John and Anne Aunins, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to allow a detached structure with more than 700 square feet**

Applicant: John and Anne Aunins	
Site: 99 Pine Ridge Road	SBL: 53019 0023
Zoning: SR2	Lot Area: 12,000 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 99 Pine Ridge Road consists of a 12,000 square foot lot improved with a single-family residence built circa 1900. The petitioners propose to demolish the existing detached garage and construct a new detached two-car garage with a porch and potting shed.

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

- Zoning Review Application, prepared Jonathan Miller, architect, submitted 1/9/2020
- FAR Worksheet, submitted 1/9/2020
- Site Plan, prepared by VTP Associates, surveyor, dated 7/18/2019, revised 8/5/2019
- Architectural plans and elevations, prepared by Jonathan Miller, architect, dated 1/9/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to raze the existing detached garage structure and construct a two-car detached garage with a potting shed and covered porch with a total ground floor area of 796 square feet. Section 3.4.3.A.3 requires a special permit for an accessory building with a ground floor area in excess of 700 square feet.
2. The petitioners also intend to construct a small first floor rear addition that requires no relief but changes the overall height of the principal structure due to the average grade.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	12,000 square feet	No change
Frontage	100 feet	80 feet	No change
Setbacks - Principal <ul style="list-style-type: none">• Front• Side• Rear	25 feet 7.5 feet 15 feet	32.1 feet 9.7 feet 76 feet	No change No change 69.9 feet
Setbacks - Principal <ul style="list-style-type: none">• Front• Side• Rear	25 feet 5 feet 5 feet	±115 feet ±5 feet ±15 feet	No change 5.5 feet 10 feet
Max Number of Stories <ul style="list-style-type: none">• Principal• Accessory	2.5 1.5	2.5 1	No change 1.5
Height <ul style="list-style-type: none">• Principal• Accessory	36 feet 22 feet	35.62 feet N/A	35.65 feet 21.82 feet
FAR	.36	.31	.35
Max Lot Coverage	30%	17.4%	21.7%
Min. Open Space	50%	68	61.4%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.3.A.3	Request to allow an accessory structure with a ground floor area greater than 700 square feet	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

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 99 Pine Ridge Road

Date: April 1, 2020

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director Planning
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Neil Cronin, Chief Planner
Katie Whewell, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

*Topographic Site Plan
Showing Proposed Conditions at
#99 Pine Ridge Road
Newton, MA
Prepared By: VTP Associates Inc.
Dated: July 18, 2019
Revised: August 5, 2019*

Executive Summary:

This Special Permit application entails the demolition of an existing garage and the construction of a new two stall garage and carriage house. At the time of this review drainage calculations were not provided; however, the plan does show a stormwater collection system to collect roof and driveway runoff and infiltrate to underground system.

An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.

On-site soil evaluation is required to determine the seasonal high groundwater elevation and percolation rate these tests shall be performed within 25-feet of each system; soil logs shall be submitted for review.

Water and sanitary sewer services are being extended from the main house to this building.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.

Drainage:

1. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Water:

1. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
2. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***

7. All site work including trench restoration must be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*
8. If any changes from the original approved design plan that are required due to unforeseen site conditions, the engineer of record shall submit a revised design & stamped and submitted for review and approval prior to continuing construction.

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

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 construct an accessory structure with a ground floor area in excess of 700 square feet as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the proposed accessory structure with a ground floor area in excess of 700 square feet that contains a two-car garage, covered porch, potting shed and attic storage space as it will be located approximately 155 feet from the street and toward the rear of the property and have limited visibility from abutting public ways and properties (§7.3.3.C.1)
2. The proposed accessory structure with a ground floor area in excess of 700 square feet that contains a two-car garage, covered porch, potting shed and attic storage space will not adversely affect the neighborhood as it will be located approximately 155 feet from the street and toward the rear of the property and have limited visibility from abutting public ways and properties (§7.3.3.C.2)
3. The structure as proposed will not be a nuisance or create a serious hazard to vehicles or pedestrians (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #143-20

PETITIONERS: John and Anne Aunins

LOCATION: 99 Pine Ridge Road, Ward 5, on land known as Section 53, Block 19, Lot 23, containing approximately 12,000 square feet of land

OWNERS: John and Anne Aunins

ADDRESS OF OWNERS: 99 Pine Ridge Road
Newton, MA 02468

TO BE USED FOR: Accessory structure with a ground floor area in excess of 700 square feet

CONSTRUCTION: Wood-framed

EXPLANATORY NOTES: Special permit per §7.3.3 to allow an accessory structure with a ground floor area greater than 700 square feet (§3.4.3.A.3)

ZONING: Single-Residence 2

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 "Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #99 Pine Ridge Road" (Sheet 1 of 2)," prepared by VTP Associates, dated July 18, 2019, as revised through August 15, 2019September 30, 2016.
 - b. A set of architectural drawings, titled "Additions and Alterations to: The Aunins Residence, 99 Pine Ridge Road," prepared by Frank Shirley Architects, dated February 12, 2020, as revised through February 12, 2020 (Special Permit Application):
 - i. Garage Floor Plans (AG-1.01);
 - ii. Garage Elevations (AG-2.01).
 - c. A document entitled "Floor Area Ratio Worksheet, Property Address: 99 Pine Ridge Road" indicating a "Total gross floor area" of 4252 square feet and an "FAR" of 0.35, signed and stamped by Frank Shirley, Registered Architect.
2. 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 Approval 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, the Assessing Department and the Department of Planning and Development.
 - c. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the

Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.

- d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. 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 or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - 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.