



#281-20

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**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller  
Mayor

Barney Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date:	July 14, 2020
Land Use Action Date:	September 22, 2020
City Council Action Date:	October 5, 2020
90- Day Expiration Date:	October 12, 2020

DATE: July 10, 2020

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Katie Whewell, Senior Planner

SUBJECT: **Petition #281-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition, creating an FAR of .51 where .45 is required and .37 exists at 28 Brewster Street, Ward 5, Newton Highlands, on land known as Section 54 Block 37 Lot 06, containing approximately 5,943 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 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.



**28 Brewster Street**

### **EXECUTIVE SUMMARY**

The property located at 28 Brewster Street consists of a 5,943 square foot lot in the Single Residence 2 ("SR-2") zone in West Newton. The lot is improved with a single-family residence constructed in 1940. The petitioners are seeking construct a rear addition which would add living space to both the basement and first story. As designed, the proposed addition would increase the floor area ratio (the "FAR") from .37 to .51, where .45 is the maximum allowed, requiring a special permit. If approved, the addition will result in a structure that would contain 3,026 square feet, approximately 350 square feet more than what is allowed by right.

The Planning Department is unconcerned with the proposed addition that exceeds the FAR. The proposed addition is to the rear of the structure, subordinate to the existing structure, and will not be visible from the street. The proposed addition meets all other dimensional standards of the SR-2 zoning district.

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

When reviewing this request, the Council should consider whether:

- The proposed increase in FAR from .37 to .51, where .45 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. (§3.1.3, §3.1.9, and §7.3.3)

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

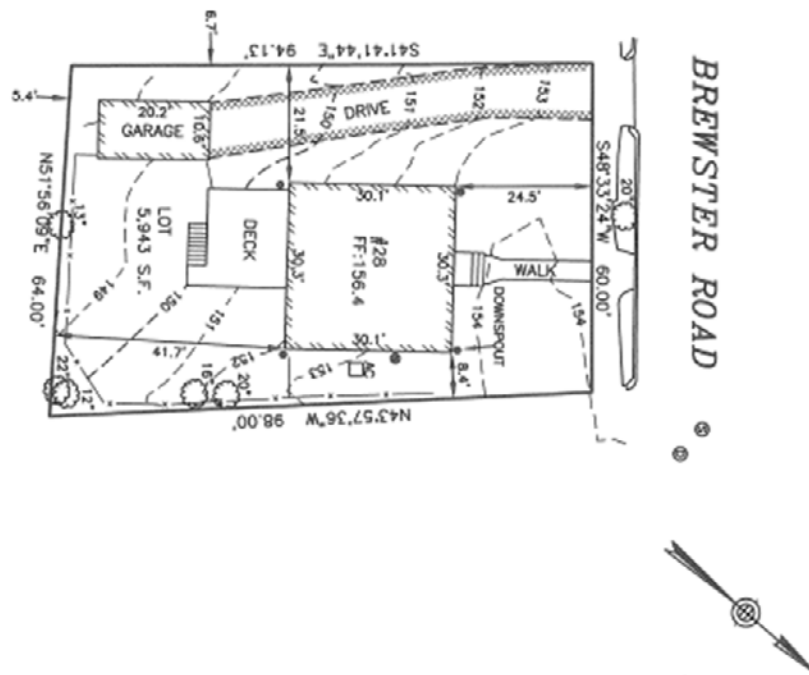
##### **A. Neighborhood and Zoning**

The subject property is located on Brewster Road in the SR-2 zone in Newton Highlands. The entirety of the surrounding area is within the SR-2 zone with a Public Use zone southeast of the site (**Attachment A**). The surrounding land use of the neighborhood is single-family residential (**Attachment B**).

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

The site consists of 5,943 square feet of land and it is improved with a 1.5-story single-family dwelling and a detached garage. The lot is served by one curb cut providing access to an asphalt driveway and the detached garage. The lot is relatively flat.

### Existing Conditions



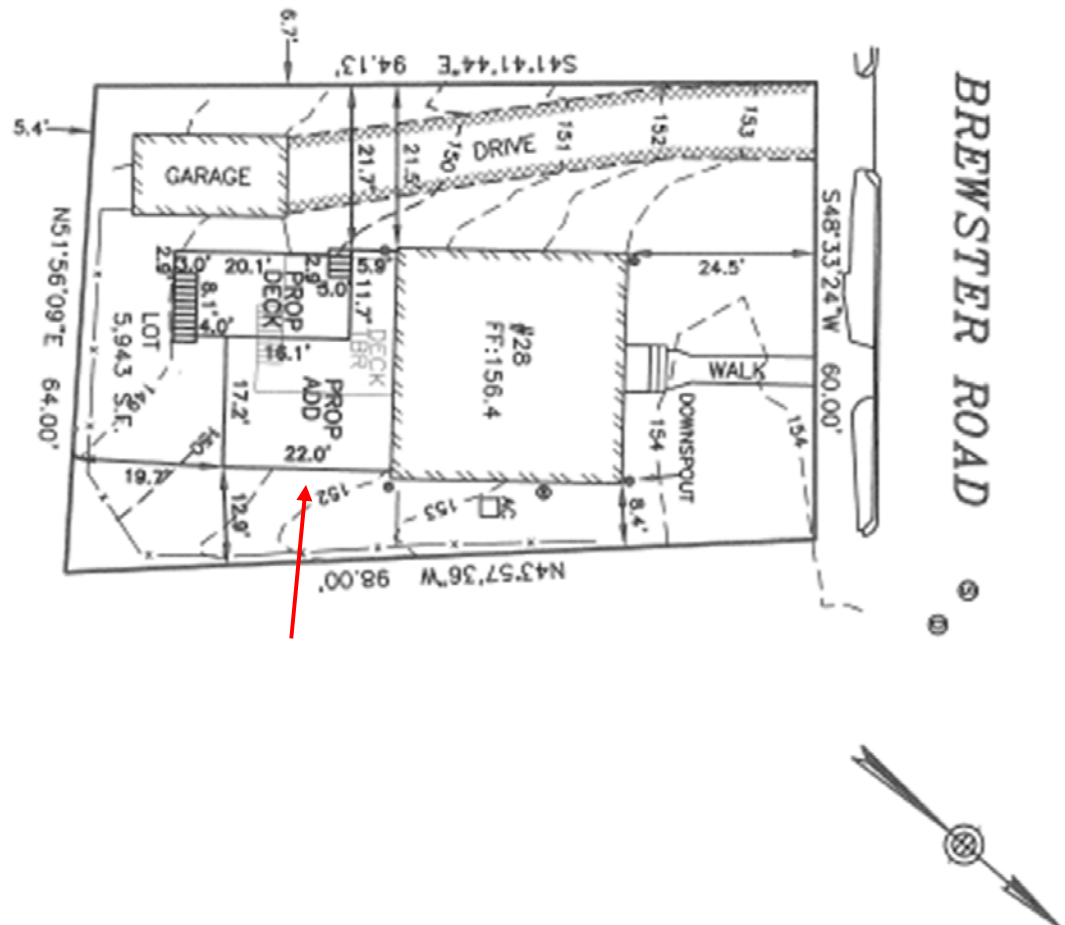
### III. PROJECT DESCRIPTION AND ANALYSIS

#### 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 construct a rear addition to the basement and first story to the existing structure. The addition will add living space to both levels. The proposed addition adds approximately 818 square feet, resulting in a structure that would contain 3,026 square feet, approximately 350 square feet over what is allowed by right. Due to the size of the lot, and the basement counting towards FAR, the FAR calculation appears to represent a large increase, however the addition will be subordinate to the existing structure and will not be visible from the street.

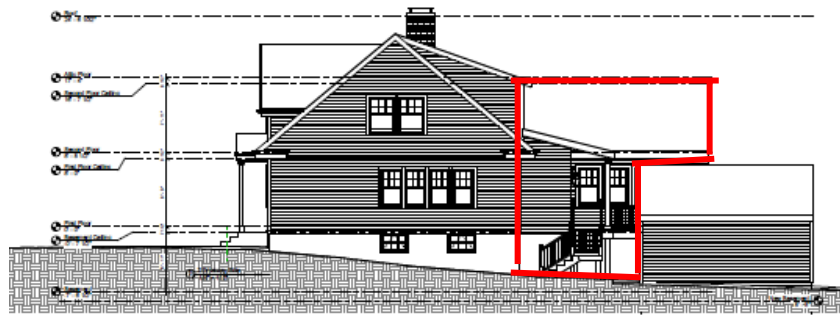


*Elevations, Front and West*

*Existing:*



*Proposed:*



The addition exceeds the FAR allowed by right, increasing it from .37 to .51, where .45 is the maximum allowed, requiring a special permit. The proposed addition meets all other dimensional requirements including setbacks, lot coverage and open space.

The Planning Department is unconcerned with the addition because it is subordinate and to the rear of the existing structure, will not be visible from the street, and meets all other dimensional requirements associated with the SR-2 zoning district.

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:

➤ §3.1.3, §3.1.9, and §7.3.3 of Section 30, to exceed FAR.

B. Engineering Review

Review from Engineering is not required at this time; however, the impervious area is increasing by 447 square feet and will be reviewed by Engineering at the building permit stage.

C. Historic Preservation Review

The structure was found to be historically significant by the Newton Historical Commission on June 15, 2020. They approved the partial demolition due to the proposed plans. The Chief Preservation Planner will review the plans again prior to the issuance of a building permit and final approval of plans is 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

### 28 Brewster Road

*City of Newton,  
Massachusetts*

## Zoning

-  Single Residence 2
-  Public Use

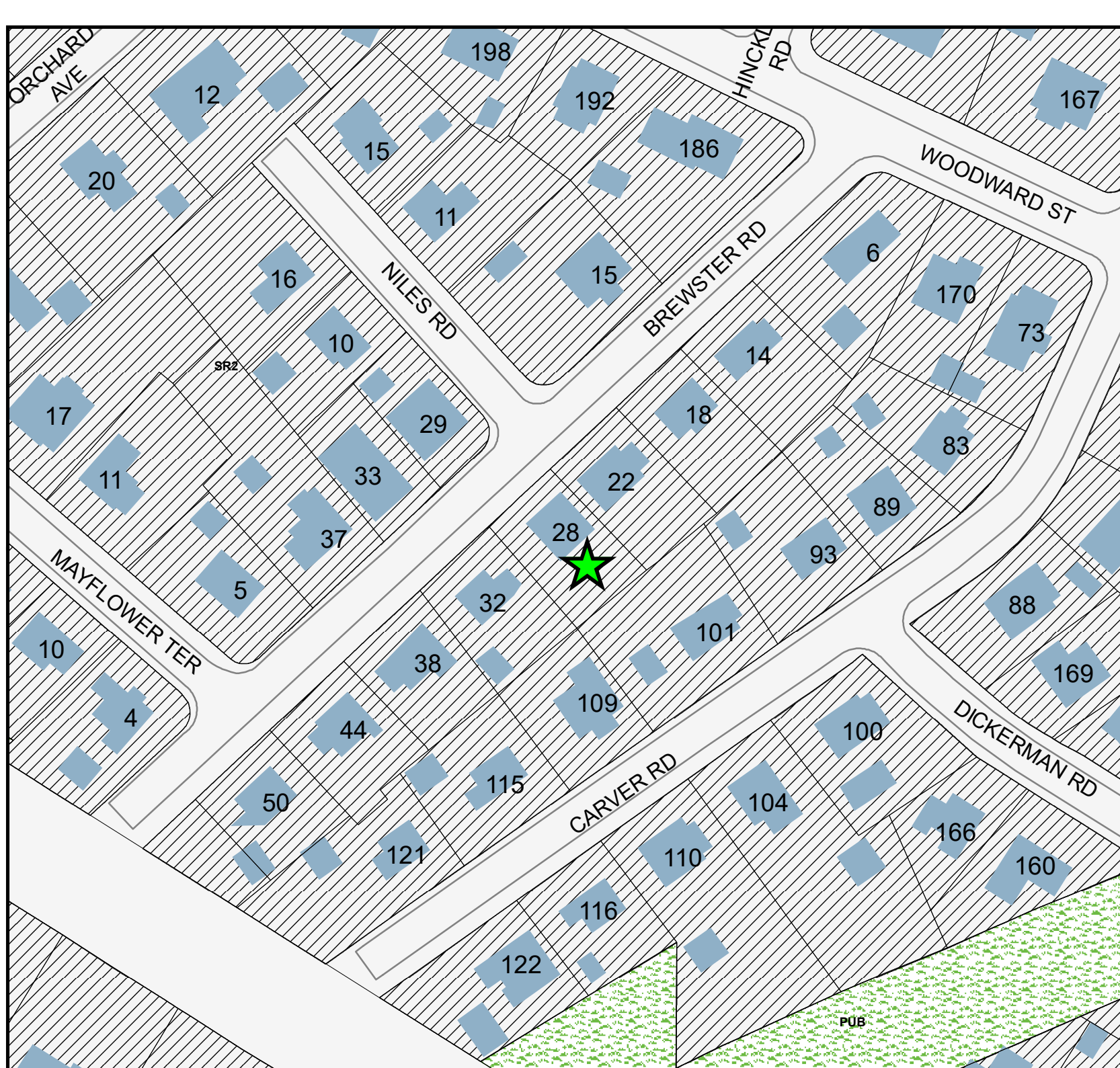


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: July 08, 2020





# ATTACHMENT B





## Land Use

### 28 Brewster Road

*City of Newton,  
Massachusetts*

## Land Use

### Land Use

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

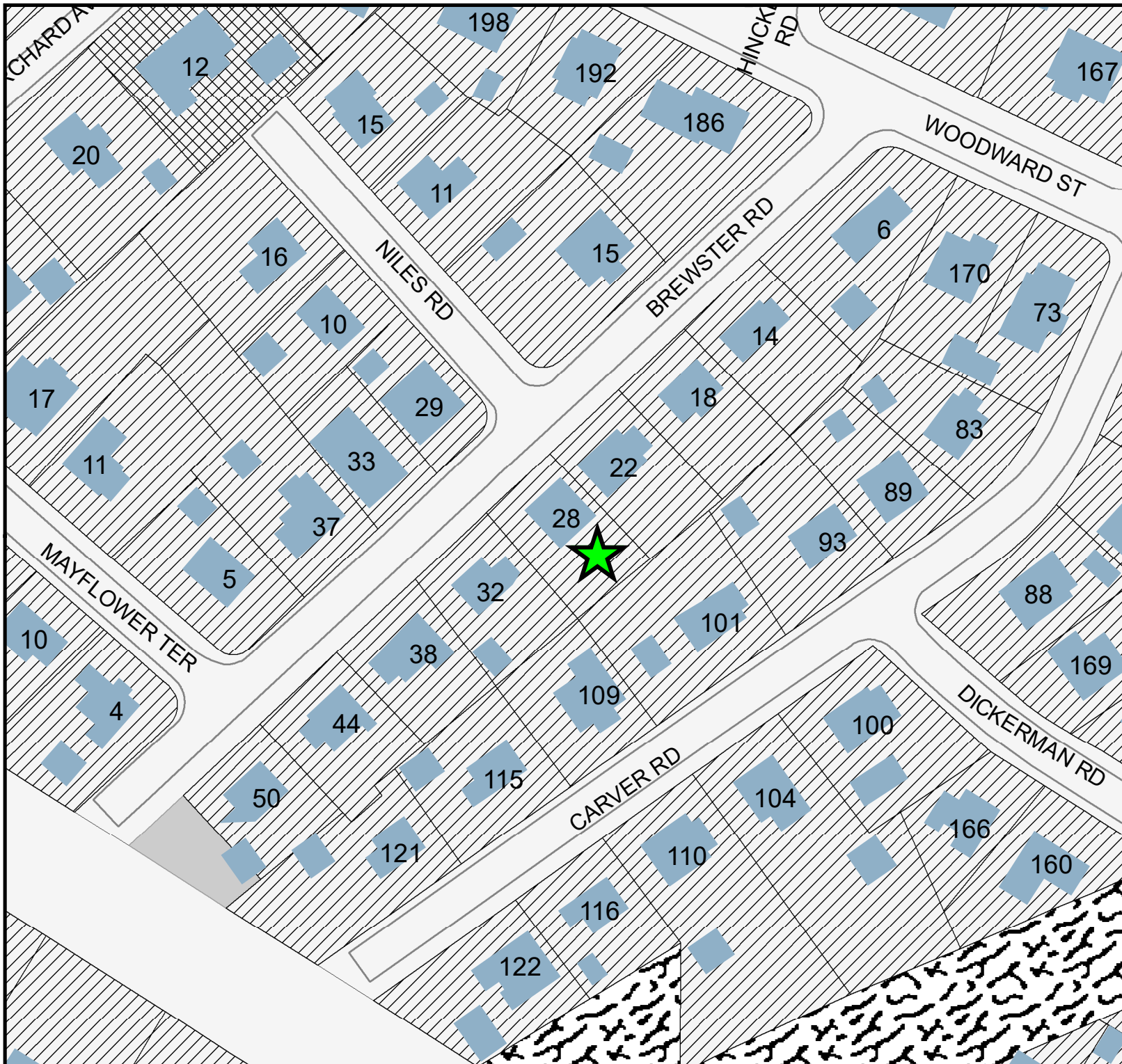


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
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0 12.5 25 50 75 100 125 Feet

Map Date: July 08, 2020





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Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: May 28, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: Megan Peterson & Damian Nowak, Applicants  
Bee Howes, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

RE: Request to exceed FAR

Applicant: Megan Peterson & Damian Nowak	
Site: 28 Brewster Street	SBL: 54037 0006
Zoning: SR2	Lot Area: 5,943 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 28 Brewster Road consists of a 5,943 square foot lot improved with a single-family residence constructed in 1940 and a detached garage. The petitioners propose to construct a rear addition, adding living space to the basement and first story, as well as a deck. The proposed changes will increase the FAR beyond the maximum allowed, requiring a special permit.

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

- Zoning Review Application, prepared by Bee Howes, architect, dated 4/2/2020
- FAR Worksheet, submitted 4/2/2020
- Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 3/23/2020
- Architectural Plans, signed and stamped by Peter Sachs, architect, submitted 4/2/2020

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners intend to construct a rear addition to the basement and first story. The addition adds 818 square feet of resulting in a total of 3,026 square feet. The existing FAR is .37, where .45 is the maximum allowed. The proposed addition results in a FAR of .51, exceeding the maximum allowed, requiring a special permit pursuant to Sections 3.1.3 and 3.1.9.

<b>SR2 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	10,000 square feet	<b>5,943 square feet</b>	<b>No change</b>
Frontage	80 feet	<b>60 feet</b>	<b>No change</b>
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 7.5 feet 15 feet	<b>24.5 feet</b> 8.4 feet >20 feet	<b>No change</b> No change 15 feet
Max Number of Stories	2.5	2	1.5
Max Height	36 feet	27.2 feet	No change
FAR	.45	.37	<b>.51</b>
Max Lot Coverage	30%	18.9%	26.4%
Min. Open Space	50%	65%	58%

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3, §3.1.9	Request to exceed 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 exceed the floor area ratio (the "FAR") from .37 to .51, where .45 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed increase in the FAR from .37 to .51, where .45 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 addition is subordinate to the existing structure and is not visible from the street. (§3.1.3, §3.1.9, and §7.3.3)

PETITION NUMBER: #281-20

PETITIONER: Megan Peterson & Damian Nowak

LOCATION: 28 Brewster Road, on land known as Section 54, Block 37, Lot 6, containing approximately 5,943 square feet of land

OWNER: Megan Peterson & Damian Nowak

ADDRESS OF OWNER: 28 Brewster Road  
Newton, MA 02492

TO BE USED FOR: Single Family Dwelling with rear addition

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3, §3.1.9 and §7.3.3 to exceed the floor area ratio

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. Topographic Site Plans showing proposed conditions at 28 Brewster Road, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated March 23, 2020
  - b. Architectural Plans, "The Nowak Peterson Residence", prepared by Bee Howse, signed and stamped by Cynthia Howes, Registered Architect, dated January , 2020 consisting of nine (9) sheets:
    - i. Site Plan/Title Page, A0.0
    - ii. Existing First Floor Plan, A0.1
    - iii. Existing Second, Basement, and Roof Plans A0.2
    - iv. Existing Elevations, A0.3
    - v. Existing Elevations, A0.4
    - vi. Proposed First Floor Plan, A1.1
    - vii. Proposed Second, Basement, and Roof Plans, A1.2
    - viii. Proposed Elevations, A2.1
    - ix. Proposed Elevations, A2.2
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. Prior to the issuance of any temporary occupancy certificates for the Project, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management, should such a system be required, to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
4. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - 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.
- 5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or land surveyor certifying compliance with Condition #1 as well as the as-built floor area ratio 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 professional land surveyor.
  - c. 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.