



#284-20

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:	August 4, 2020
Land Use Action Date:	October 23, 2020
City Council Action Date:	November 2, 2020
90-Day Expiration Date:	November 2, 2020

DATE: July 31, 2020

TO: City Council

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

SUBJECT: **Petition #284-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to increase the nonconforming FAR to .53 where .51 exists and .49 is the maximum allowed by right at 1084 Chestnut Street, Ward 5, Newton Upper Falls, on land known as Section 24 Block 40 Lot 01, containing approximately 9,080 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 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.



1084 Chestnut Street

EXECUTIVE SUMMARY

The property located at 1084 Chestnut Street contains a 9,086 square foot lot in the Multi Residence 1 (MR-1) zone in Upper Falls. The lot is improved with a two-family residence constructed circa 1874. The petitioners are seeking to enclose portions of two second floor decks to create additional living space, totaling 256 square feet. The additions will further increase the nonconforming floor area ratio from .51 to .53, where .49 is the maximum allowed by right, requiring a special permit. If approved, the dwelling will contain 4,882 square feet, where 4,452 square feet is the maximum allowed by right.

The petitioner recently submitted plans that reflected a change in the floorplan of Unit 2 that consists of the proposed addition being converted from a bedroom into a study with a kitchenette. The petitioner has confirmed the space will not be utilized as an accessory apartment. Staff will confer with the petitioner and other city staff and provide an update at the public hearing regarding the usage of the space and the proposed kitchenette.

As designed, the proposed addition would increase the floor area ratio from .51 to .53, where .49 is the maximum allowed by right. The proposed additions are within the footprint of the structure, meeting all setback requirements, is not higher than the existing structure and is consistent with the size and scale of the neighboring homes. For these reasons, the Planning Department is unconcerned with the proposed additions that further increase the nonconforming FAR.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The proposed increase in the nonconforming FAR from .51 to .53, where .49 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

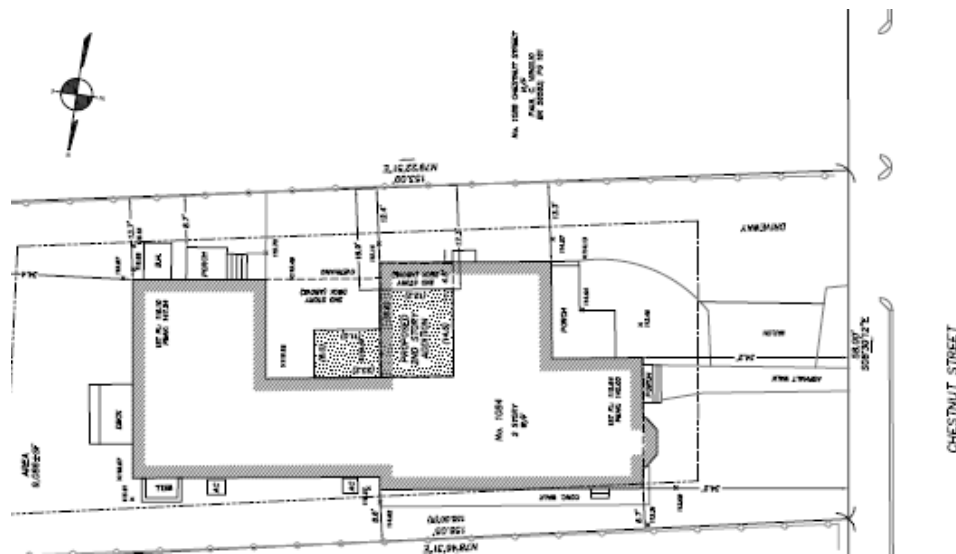
The subject property is located on the eastern side of Chestnut Street in the MR-1 zone in Upper Falls. The subject property is near the Elliot and Chestnut Street intersection and several zoning districts exist in the area. The MR-1 zone encompasses the immediate area south of the site on Chestnut Street while a Multi-Residence 3 zone to the west, Business 1 immediately to the north of the site as well

as a Manufacturing zone northwest of the site (**Attachment A**). The land use of properties on the east side of Chestnut Street is multi-family residential, with commercial uses at the intersection of Chestnut Street and Elliot Street. (**Attachment B**).

B. Site

The site consists of 9,086 square feet of land and is improved with a two-family residence constructed in 1874. The lot is served by one curb cut providing access to a driveway along the southern boundary. The height of the structure is 32 feet and 7 inches, below the 36 feet maximum allowed by right. The site is relatively flat.

Site Plan



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building and Site Design

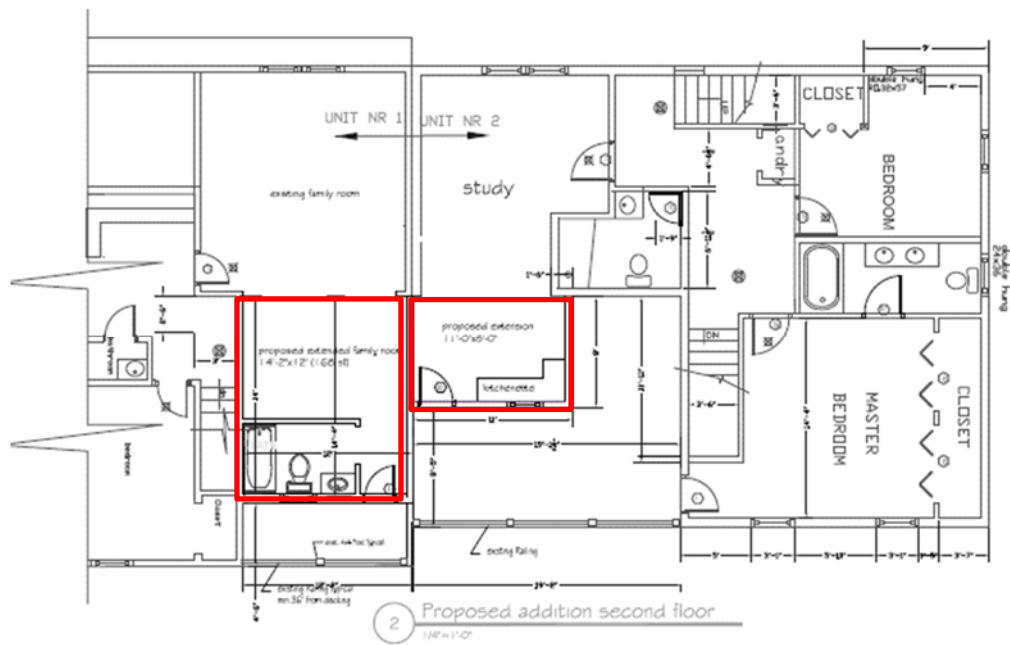
The petitioners are seeking to enclose portions of two decks on the second floor of the structure to create additional living space. One of the additions will extend an existing family room in Unit 1 and leave 55 square feet of the existing deck.

The special permit application originally consisted of the second addition to Unit 2, which extended a proposed bedroom and leaves a portion of the existing deck. The petitioner submitted plans on July 30, 2020 showing the bedroom being converted to a study with

a kitchenette. The petitioner indicated the space will consist of a sink, 2-3 cabinets, and a small refrigerator.

The proposed additions will increase the dwelling by 256 square feet and the resulting structure would contain 4,882 square feet, further increasing the nonconforming FAR from .51 to .53 where .49 is allowed by right.

Proposed Floor Plan



Proposed Southern Elevation



The proposed additions are to the second story of the structure, and do not extend beyond the footprint of the structure. Also, the additions do not extend beyond the principal roofline. The Planning Department is unconcerned with the addition because it is not visible from the street and is consistent with the size and scale of the neighboring homes.

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 review from the Engineering Division of Public Works.

C. Historic Preservation Review

This petition does not meet the minimum threshold for Newton Historical Commission review.

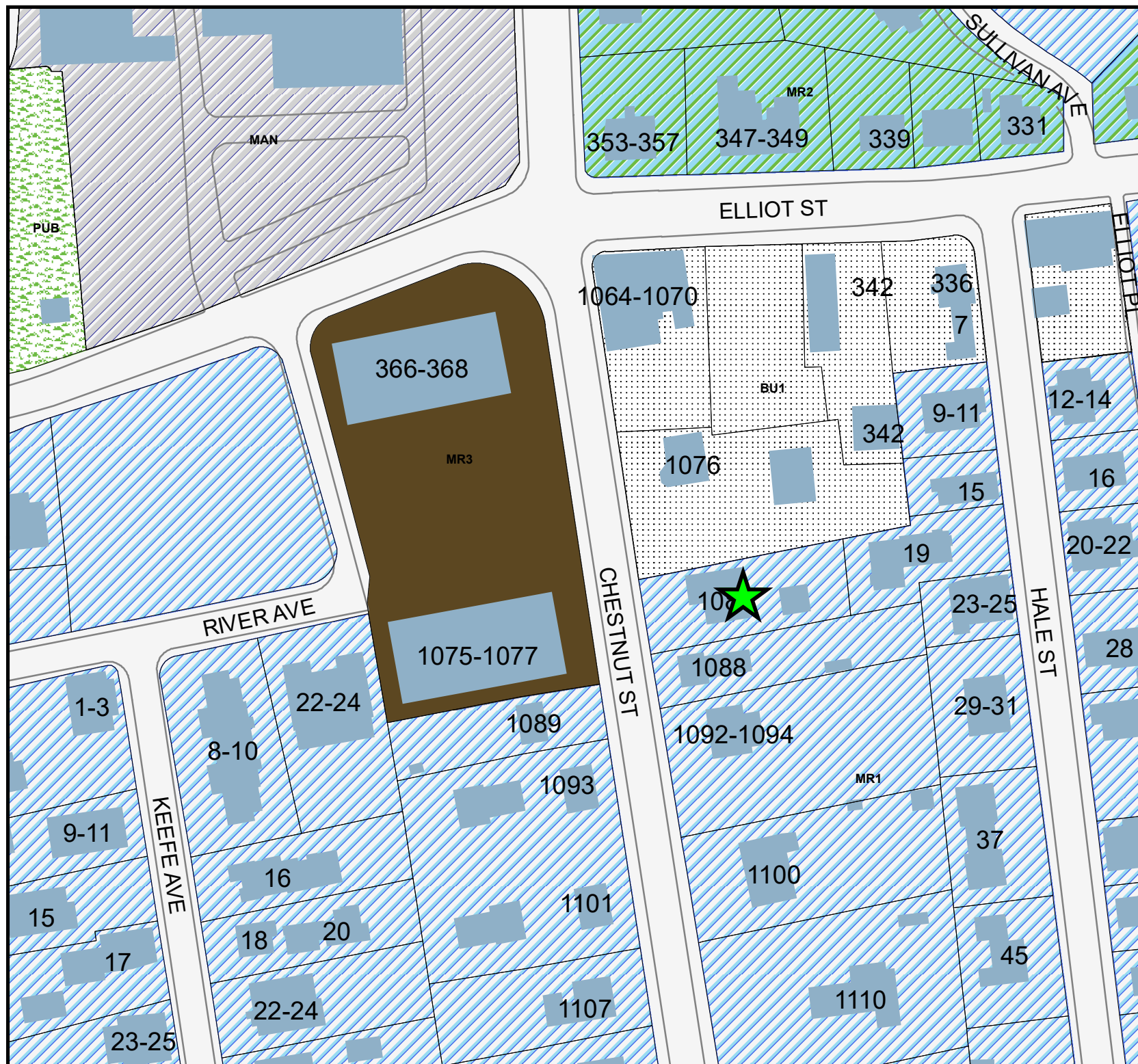
V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

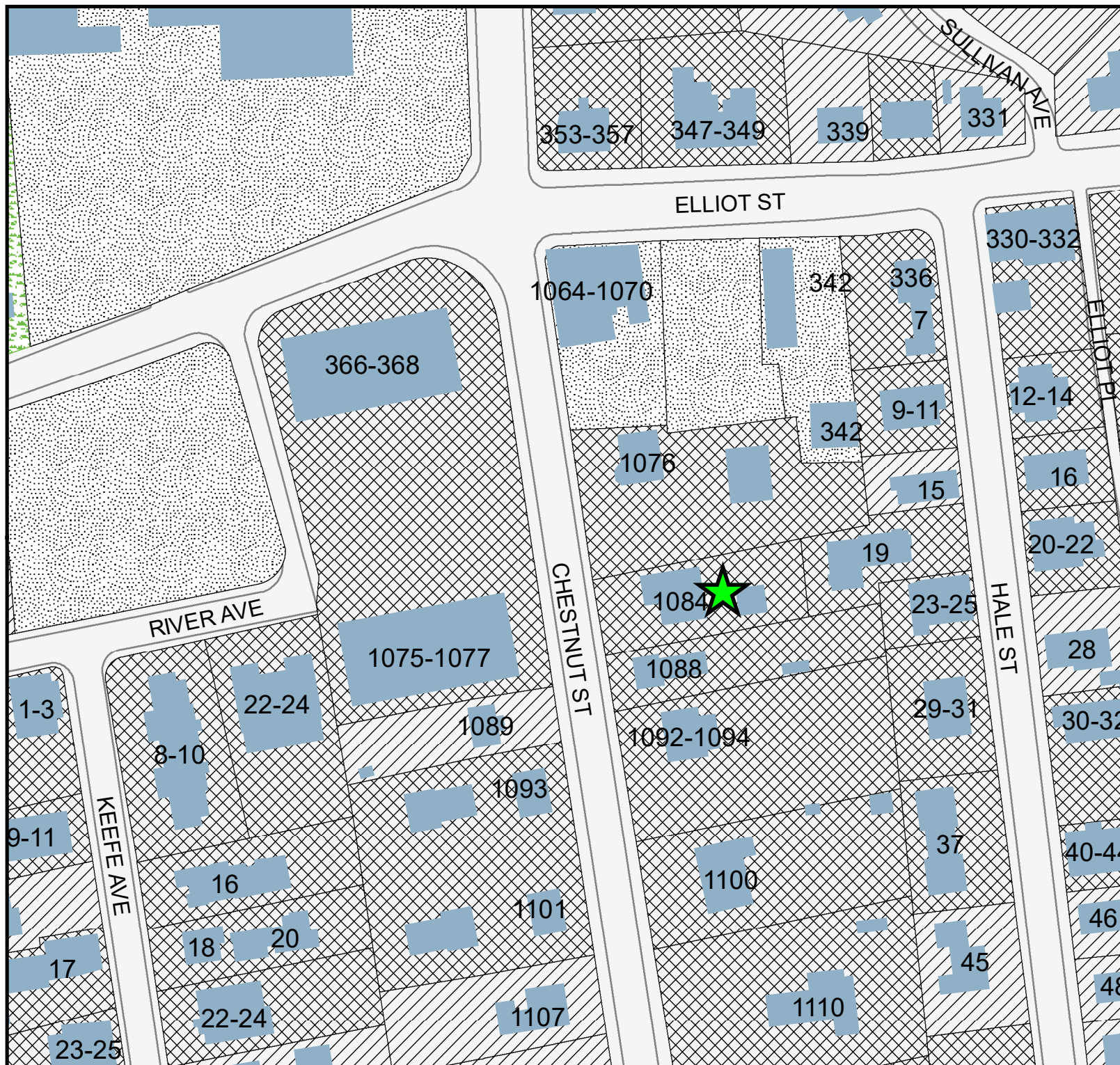
ATTACHMENTS:

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

Map Date: July 27, 2020



Map Date: July 27, 2020





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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ATTACHMENT c

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

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 26, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Ariana & Alfred Uruci, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Acting City Solicitor

RE: **Request to further increase nonconforming FAR**

Applicant: Ariana & Alfred Uruci	
Site: 1084 Chestnut Street	SBL: 24040 0001
Zoning: MR1	Lot Area: 9,080 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 1084 Chestnut Street consists of a 9,080 square foot lot improved with a two-family residence constructed in 1874. The petitioners propose to enclose decks on the first and second floors to create additional living space. The proposed additions 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 Ariana Uruci, applicant, submitted 3/11/2020
- FAR Worksheet, submitted 3/11/2020
- Proposed Plot Plan, prepared by Boston Survey, surveyor, 3/10/2020, revised 5/12/2020
- Architectural Plans and Elevations, prepared by Dizdarsan Construction, dated 3/8/2020, revised 5/18/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to enclose existing deck space to create living space. The existing FAR is .51, where .49 is the maximum allowed. The proposed additions add 256 square feet to the dwelling, resulting in an FAR of .53. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	9,086 square feet	No change
Frontage	70 feet	58 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	34.2 feet 6.7 feet 34.4 feet	21 feet No change No change
Lot Area Per Unit	3,500 square feet	4,543 square feet	No change
Height	36 feet	32.6 feet	No change
FAR	.49	.51	.53
Max Lot Coverage	30%	29%	30%
Min. Open Space	50%	44.8%	44.8%

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

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 .53, where .49 is the maximum allowed as of 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 nonconforming FAR from .51 to .53, where .49 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 additions are not taller than the existing structure and do not extend the structure's footprint. (§3.1.9, and §7.8.2.C.2)
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed additions are not higher than the existing structure, do not increase the footprint and are similar to the size and scale of other structures in the neighborhood. (§3.1.9 and §7.8.2.C.2)

PETITION NUMBER: #284-20

PETITIONER: Ariana and Alfred Uruci

LOCATION: 1084 Chestnut Street, on land known as Section 51, Block 41, Lot 6, containing approximately 9,086 square feet of land

OWNER: Ariana and Alfred Uruci

ADDRESS OF OWNER: 1084 Chestnut Street
Newton, MA 02464

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.8.2.C.2 to further increase the nonconforming FAR by enclosing portions of second-story decks

ZONING: Multi Residence 1 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. Certified Plot Plan, signed and stamped by George C. Collins, Land Surveyor, dated May 12, 2020.
 - b. Architectural Plans, prepared by Dizdarsen Construction, signed and stamped by Georges Najib Nehme, dated March 8, 2020, consisting of the following three (3) sheets:
 - i. A-1, untitled, showing existing right elevation and floor plan
 - ii. A-2, untitled, showing proposed right elevation and floor plan, and updated study with kitchenette
 - iii. A-3, untitled, showing the roof plan
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 council 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 council 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, 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 architect.