



#336-20

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City of Newton, Massachusetts

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

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 29, 2020
Land Use Action Date:	December 8, 2020
City Council Action Date:	December 21, 2020
90- Day Expiration Date:	December 28, 2020

DATE: September 25, 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 #336-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to increase the Floor Area Ratio from .23 to .37, where .34 is the maximum allowed by right by constructing a two-story addition and garage expansion at 29 Hawthorne Avenue, Ward 4, Auburndale, on land known as Section 43 Block 34 Lot 11, containing approximately 9,790 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. 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.

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.



29 Hawthorne Avenue

EXECUTIVE SUMMARY

The property located at 29 Hawthorne Avenue consists of a 9,790 square foot lot in the Single Residence 1 ("SR-1") zone in Auburndale. The lot is improved with a single-family residence constructed circa 1900 and a detached garage. The petitioners are seeking to construct a two-story rear addition and expand the footprint of the garage. As designed, the proposed addition would increase the floor area ratio (the "FAR") from .23 to .37, where .34 is the maximum allowed by right, requiring a special permit. If approved, the addition would result in a structure that would contain 3,624 square feet, approximately 300 square feet more than what is allowed by right.

The Planning Department is unconcerned with the request to exceed the FAR. The proposed addition is to the rear of the structure, approved by the Auburndale Historic Commission, and will be minimally visible from the street. The proposed addition meets all other dimensional standards of the SR-1 zoning district.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The proposed increase in FAR from .23 to .37, where .34 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

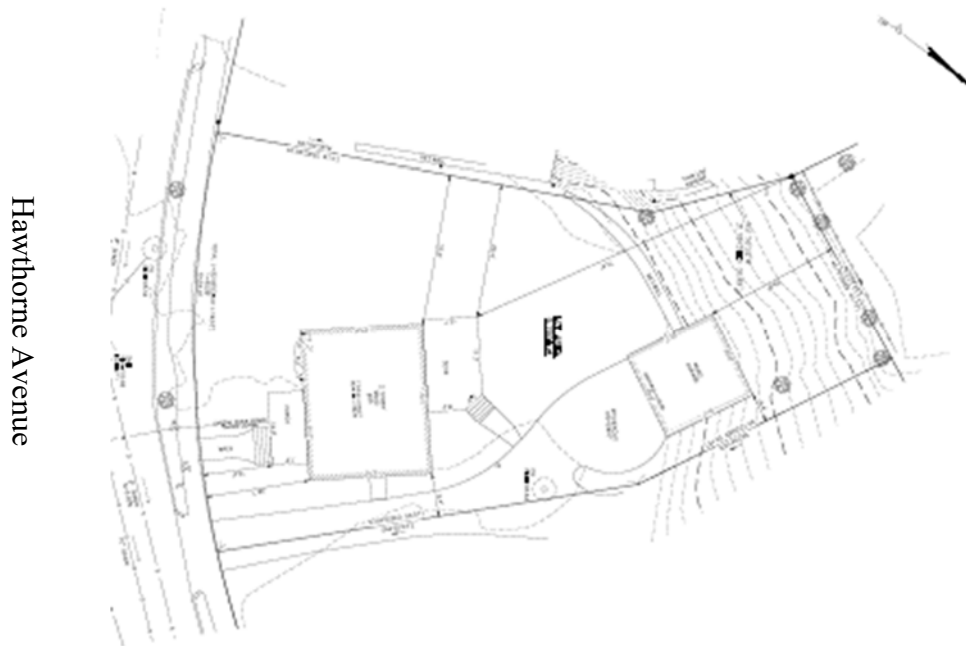
The subject property is located on Hawthorne Avenue in the SR-1 zone within the Auburndale Historic District. The entirety of the surrounding area is within the SR-1 zone with a Single Residence 2 zone north of the site (**Attachment A**). There are three uses that are prominent in the neighborhood, single-family residential, multifamily residential and private educational uses along Woodland Road that are part of the Lasell College Campus (**Attachment B**). The subject property is largely surrounded by the Lasell College campus and is less than a mile from the Auburndale commuter rail station.

B. Site

The site consists of 9,700 square feet of land and is improved with a 2.5-story single-family dwelling and a detached garage. The site has a nonconforming front setback of 15.2 feet, where 25 feet is required, and a nonconforming side setback of 9.4 feet along the northern property line where 12.5 feet is required. The lot is served by one curb cut providing access to an asphalt driveway and the detached garage. The site

has an upwards slope, and a retaining wall that is approximately 40 feet from the rear property line.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

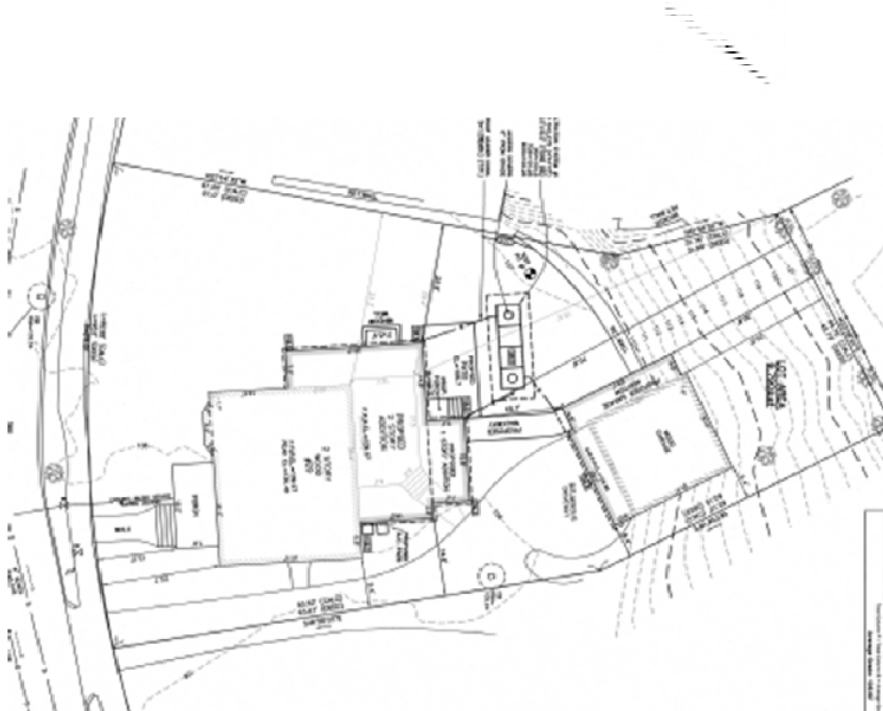
B. Building and Site Design

The petitioners are seeking to construct a two-story rear addition and a 184 square foot addition to the garage. The two-story addition will add floor area to both levels of the principal structure and result in an additional 1,216 square feet to the structure. Basement space will be created but does not count towards FAR because the basement does not count as a story. The addition increases the footprint of the existing structure by 664 square feet and alters the side setback at the southern property line from 28.4 feet to 22.9 feet, and the rear setback from 75.6 feet to 70.9 feet. The addition does not utilize or alter the nonconforming side setback along the northern boundary. The expansion of the garage by 184 square feet results in a detached garage with a footprint of 612 square feet.

The proposed additions result in an increase of FAR from .23 to .37, where .34 is the maximum allowed by right. The lot coverage will increase to 17.5% from 14.7%, where 20% is the maximum allowed. The lot coverage calculation excludes the detached garage due to the single-family dwelling having been constructed prior to 1922.

Proposed Site Plan

Hawthorne Avenue



Existing Front Elevation



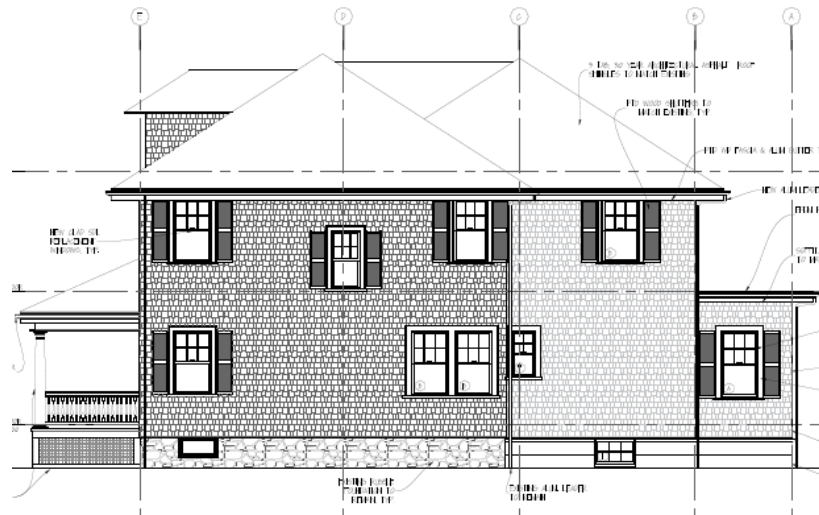
Proposed Front Elevation



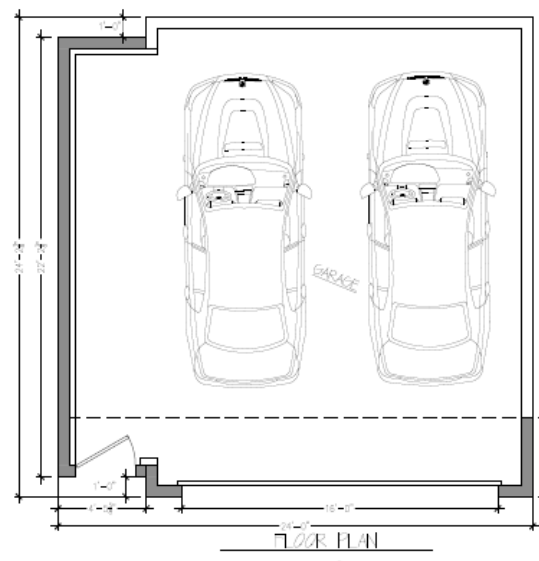
Existing Right Elevation



Proposed Right Elevation



Proposed Garage Floorplan



Proposed Garage Front Elevation



The proposed additions result in a structure consisting of 3,624 square feet, where 3,328 is the maximum allowed by right. The addition was approved by the Auburndale Historic District Commission due to the addition matching the materials and enhancing the style of the existing house. The addition and garage expansion meet all other dimensional requirements including setbacks, lot coverage, and open space.

The Planning Department is unconcerned with the proposed additions because the proposed plans and design were approved by the Auburndale Historic District Commission and the addition meets all other dimensional requirements associated with the SR-1 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

The impervious area is increasing by 1,028 square feet and will be reviewed by the Engineering Division of Public Works prior to the issuance of a building permit. Staff suggests that a condition be incorporated into the Council Order that an Operations and Maintenance Plan be provided at to the building permit stage should the Engineering Division require it.

C. Historic Preservation Review

The site is within the Auburndale Historic District. The Auburndale Historic District Commission issued a Certificate of Appropriateness on November 19, 2019 for the proposed addition and expansion of the garage. The Senior Preservation Planner will review the plans prior to the issuance of a building permit.

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

29 Hawthorne Street

*City of Newton,
Massachusetts*

Zoning

-  Single Residence 1
-  Single Residence 2

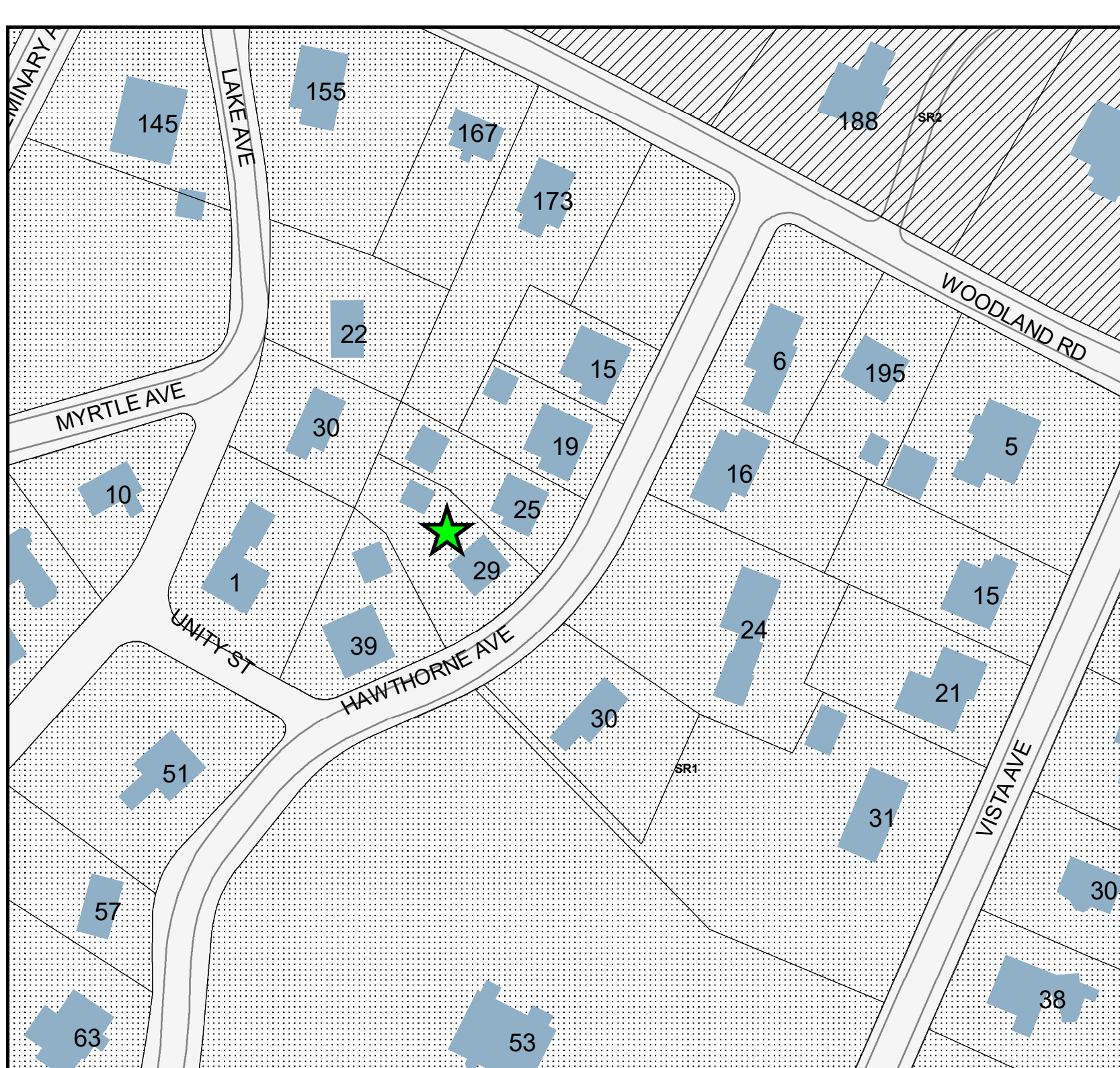


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125
Feet

Map Date: September 15, 2020



ATTACHMENT B




Land Use

29 Hawthorne Ave

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Private Educational

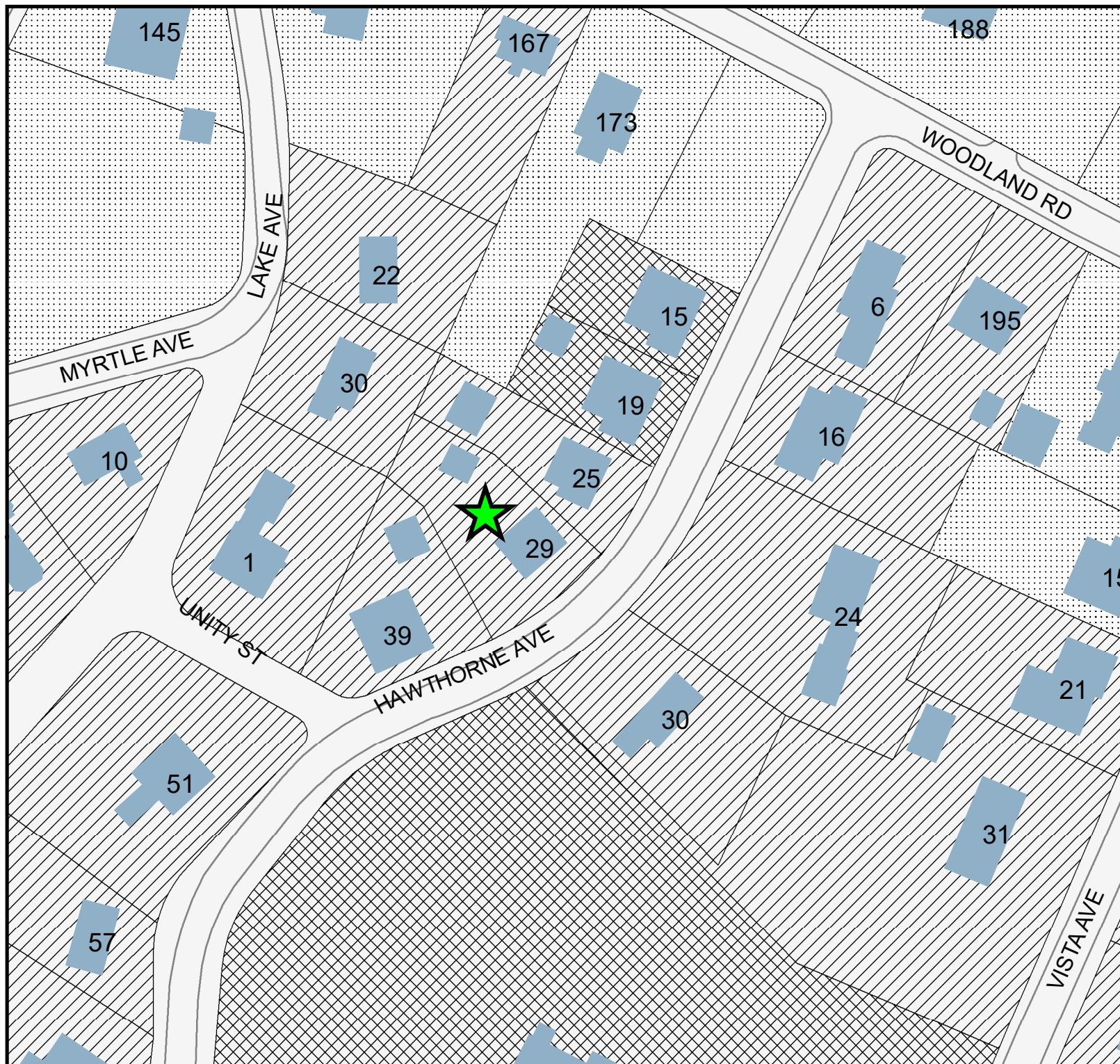


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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0 12.5 25 50 75 100 125 Feet

Map Date: September 15, 2020





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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 7, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Varun Goel and Rima Patel, Applicant
Peter Sachs, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: **Request to exceed FAR**

Applicant: Varun Goel & Rima Patel	
Site: 29 Hawthorne Avenue	SBL: 43034 0011
Zoning: SR1	Lot Area: 9,790 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 29 Hawthorne Avenue consists of a 9,790 square foot lot improved with a single-family residence constructed circa 1900 and a detached garage. The petitioners propose to construct a two-story rear addition and to the enlarge the detached garage. 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 Peter Sachs, architect, dated 5/20/2020
- FAR Worksheet, submitted 5/20/2020
- Existing Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 8/20/2019
- Proposed Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 4/14/2020 revised 5/15/2020
- Architectural Plans, signed and stamped by Peter Sachs, architect, dated 6/21/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to construct a 2-story rear addition consisting of living space and a patio, as well as an expansion of the detached garage, totaling 1,400 square feet. The additions result in a total square footage of 3,624 square feet. The existing floor area ratio is .23, where .34 is the maximum allowed. The proposed additions result in an FAR of .37, exceeding the maximum allowed requiring a special permit pursuant to Sections 3.1.3 and 3.1.9.
2. The lot coverage from the proposed additions to the dwelling and the expansion of the detached garage result in a lot coverage of 23.7%, exceeding the maximum of 20% per section 3.1.3. Per section 1.5.2.D.2, the lot coverage requirements may not apply to a garage in connection with a single- or two-family dwelling in existence on December 27, 1922. Removing the garage from the lot coverage calculation results in a lot coverage of 17.5%.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	9,790 square feet	No change
Frontage	100 feet	93 feet	No change
Setbacks - Principal			
• Front	25 feet	15.2 feet	No change
• Side	12.5 feet	9.4 feet	No change
• Side	12.5 feet	28.4 feet	22.9 feet
• Rear	25 feet	75.6 feet	70.9 feet
Setback – Accessory			
• Front	25 feet	±100 feet	±100 feet
• Side	5 feet	6.4 feet	No change
• Side	5 feet	±25 feet	±20 feet
• Rear	5 feet	29.8 feet	No change
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	30.5 feet	30.4 feet
FAR	.34	.23	.37
Max Lot Coverage	20%	14.7%	23.7%
Min. Open Space	65%	72%	66.3%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§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 .23 to .37, where .34 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 .23 to .37, where .34 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 will match the materials of the existing structure and meets all other dimensional standards for the SR-1 zoning district. (§3.1.3, §3.1.9, and §7.3.3)

PETITION NUMBER: #336-20

PETITIONER: Varun Goel & Rima Patel

LOCATION: 29 Hawthorne Avenue, on land known as Section 43, Block 34, Lot 11, containing approximately 9,790 square feet of land

OWNER: Varun Goel & Rima Patel

ADDRESS OF OWNER: 29 Hawthorne Avenue
Newton, MA 02466

TO BE USED FOR: Single Family Dwelling with rear addition, and garage expansion

CONSTRUCTION: Wood frame

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

ZONING: Single 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. Topographic Site Plans showing proposed conditions at 29 Hawthorne Avenue, prepared by VTP Associates, signed and stamped by Joseph Porter, Professional Land Surveyor, dated April 14, 2020 and May 15, 2020
 - b. Architectural Plans, "Goel Residence", prepared by Peter Sachs, unsigned and unstamped, dated October 15, 2019, revised May 19, 2020 consisting of fourteen (14) sheets:
 - i. Site Plan/Title Page
 - ii. Proposed First Floor Plan, A-2, showing entire site
 - iii. Proposed Basement Plan A-3
 - iv. Proposed First Floor Plan, A-4
 - v. Proposed Second Floor Plan, A-5
 - vi. Proposed Roof Plan, A-6
 - vii. Proposed Garage, A-6a
 - viii. Proposed Front Elevation, A-7
 - ix. Proposed Right Elevation, A-8
 - x. Proposed Back Elevation A-9
 - xi. Proposed Left Elevation, A-10
 - xii. Proposed Window/Door Schedule, A-11
 - xiii. Proposed Section 2, A-12
 - xiv. Proposed Section 1, A-13
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 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 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.
5. 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 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.