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Mayor

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

| | |
|---------------------------|------------------|
| Public Hearing Date: | October 27, 2020 |
| Land Use Action Date: | January 13, 2020 |
| City Council Action Date: | January 18, 2020 |
| 90- Day Expiration Date: | January 25, 2020 |

DATE: October 23, 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 #368-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to alter the nonconforming height and exceed FAR by constructing a garage and a rear addition, creating an FAR of .55 where .45 exists and .48 is the maximum allowed by right at 14 Hollis Street, Ward 1, Newton, on land known as Section 72 Block 06 Lot 21, containing approximately 9,811 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2, 3.2.11 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.



14 Hollis Street

EXECUTIVE SUMMARY

The property located at 14 Hollis Street consists of a 9,811 square foot lot in the Multi Residence 1 (MR-1) zone in Newton Corner. The lot is improved with a two-family residence constructed circa 1908. The petitioners are seeking to construct a rear addition, raze the existing detached garage to construct a new detached garage. As designed, the proposed addition and garage would exceed the floor area ratio ("the FAR") from .45 to .55, where .48 is the maximum allowed, requiring a special permit. If approved, the two-family dwelling and garage will total 5,442 square feet, which is 733 square feet over the maximum square footage allowed by right. The two-family residence has a nonconforming height of 36.6 feet, where 36 feet is the maximum allowed by right. The proposed addition results in a decrease in the nonconforming height by one inch due to the distance between the average grade and peak of the roof decreasing, requiring a special permit to alter the nonconforming height.

The proposed garage has a larger footprint than the existing garage, however it meets all dimensional standards set forth for detached garages in terms of height, setbacks, and footprint. The addition is subordinate to the existing structure and will not be visible from the street. For these reasons, the Planning Department is unconcerned with the proposed addition that exceeds the FAR and decreases the nonconforming height.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed addition and detached garage which exceed the FAR. (§7.3.3.C.1)
- The proposed addition and detached garage which exceed the FAR will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed addition and detached garage which exceed the FAR will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The proposed increase in FAR from .45 to .55, where .48 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, and §7.8.2.C.2)
- The proposed alteration of nonconforming height is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9, §3.1.3 and §7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

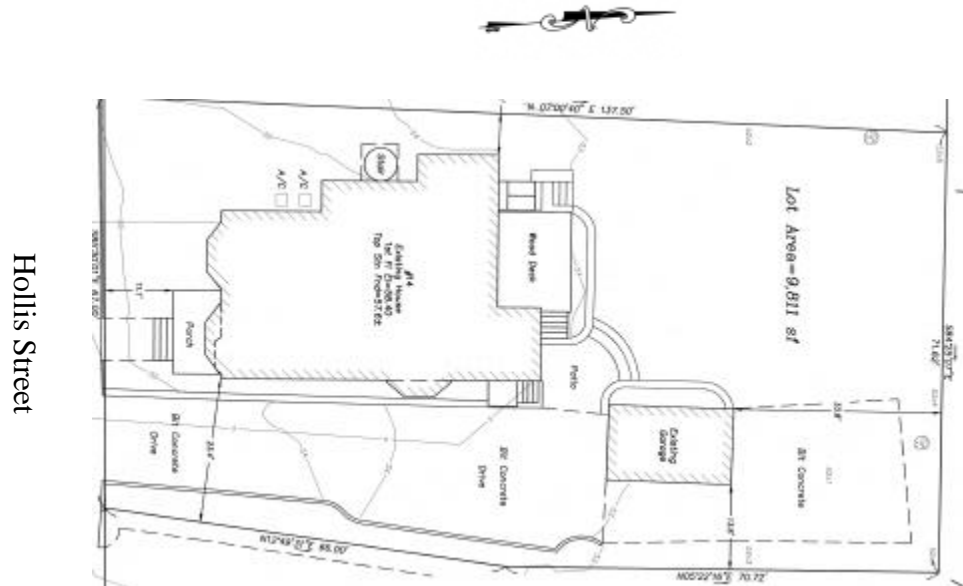
A. Neighborhood and Zoning

The subject property is located on Hollis Street in the MR-1 zone in Newton Corner. Most of Hollis Street, is zoned MR-1 however, there are two corner properties that intersect with Hollis and Centre Street which are zoned Multi-Residence 2. The surrounding area consists of Multi Residential zoning districts along Centre Street and Church Street (**Attachment A**). There are a mix of both single and multifamily residential uses in the area (**Attachment B**).

B. Site

The site consists of 9,811 square feet of land and is improved with a 2.5-story two-family dwelling and detached garage. The lot is served by one curb cut providing access to an asphalt driveway and an existing detached garage. The single-family dwelling has a nonconforming height of 36.98 feet, where 36 is the maximum allowed by right.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

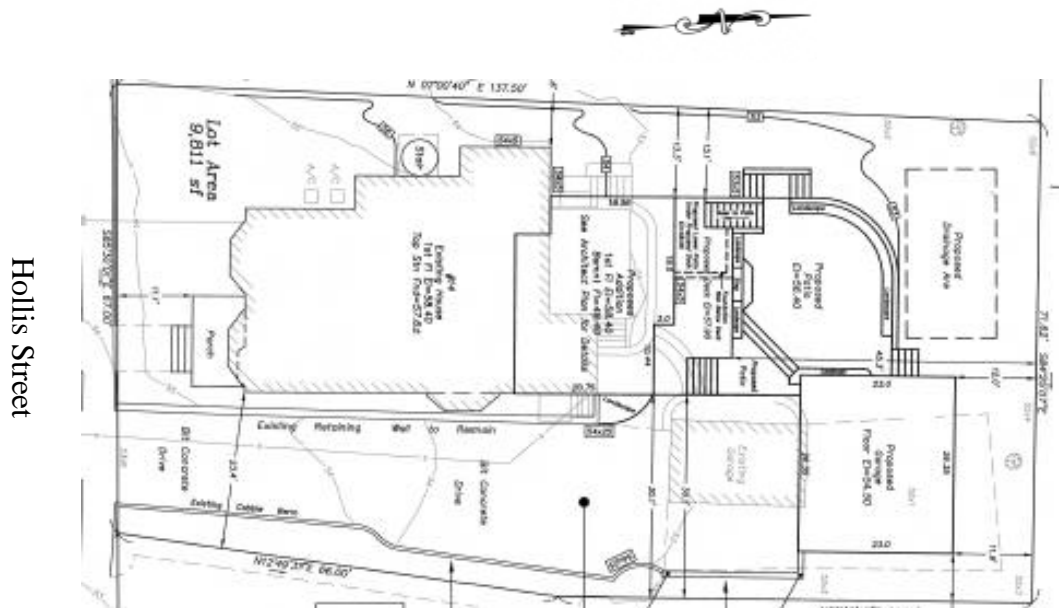
The principal use of the site is and will remain a two family.

B. Building and Site Design

The petitioners are seeking to raze the existing detached garage to construct a detached garage and construct a rear addition to the single-family home. The proposed addition decreases the nonconforming height, due to the distance between the average grade of the site and peak of the roof decreasing slightly. If approved, the height of the two-family home would change from 36.98 to 36.90 feet. The addition adds 1,043 square feet in floor area to the existing structure across the first story and the basement. The addition will create living space in the basement, and a family room and mudroom on the first floor. The addition will result in a structure that consists of 4,832 square feet.

The proposed detached garage has a 606 square foot footprint, with storage space in the half-story and features a dormer on the front elevation. Overall, the garage will consist of 18.98 feet in height. The proposed garage creates meets the required setbacks for an accessory structure with a side setback of seven feet, and a rear setback of 11.9 feet, where five feet is required. The footprint is approximately 350 square feet more than the existing detached garage.

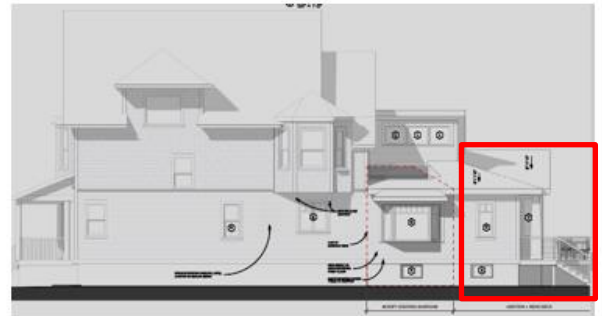
Proposed Site Plan



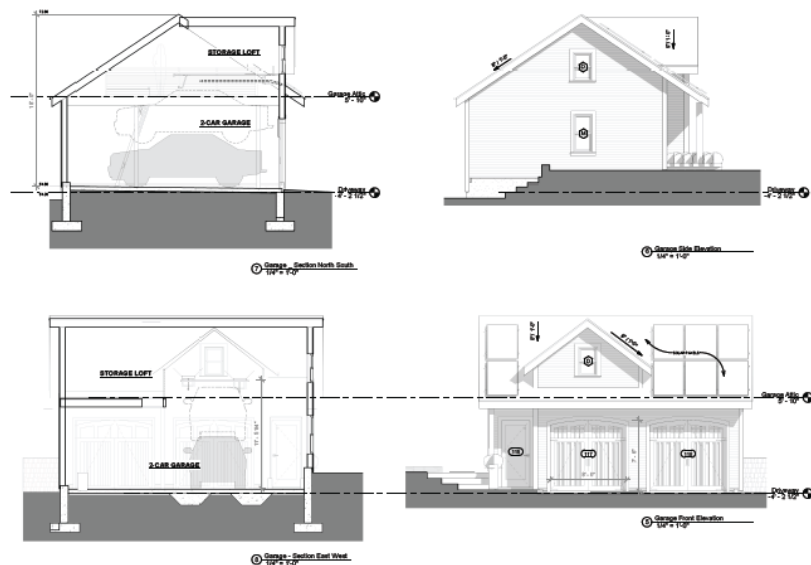
Proposed Front Elevation



Proposed Right Elevation



Garage Elevations and Sections



The Planning Department is unconcerned with the request to exceed the FAR and extend the nonconforming building height because the addition is subordinate to the existing structure. The addition also appears to be consistent with the scale of other homes in the neighborhood on similarly sized or smaller lots along Hollis Street and Centre Street.

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 §7.3.3 of Section 30, to exceed FAR.
- §3.1.3 and §7.8.2.C.2 of Section 30, to alter the nonconforming height

B. Engineering Review

The impervious area is increasing by approximately 1,000 square feet and will be reviewed by the Engineering Division at the building permit stage. While the petitioner is proposing a drainage area in the backyard, a condition will be incorporated that the petitioner provide an O&M Plan to Engineering, should Engineering Division require one.

C. Historic Preservation Review

This existing house was found to be historically significant by the Chief Preservation Planner on May 13, 2020 and approved the full demolition of the garage and partial demolition of the existing house based on the plans submitted. The Chief Preservation Planner will review the plans again prior to the issuance of a building permit and final approval of plans is required.

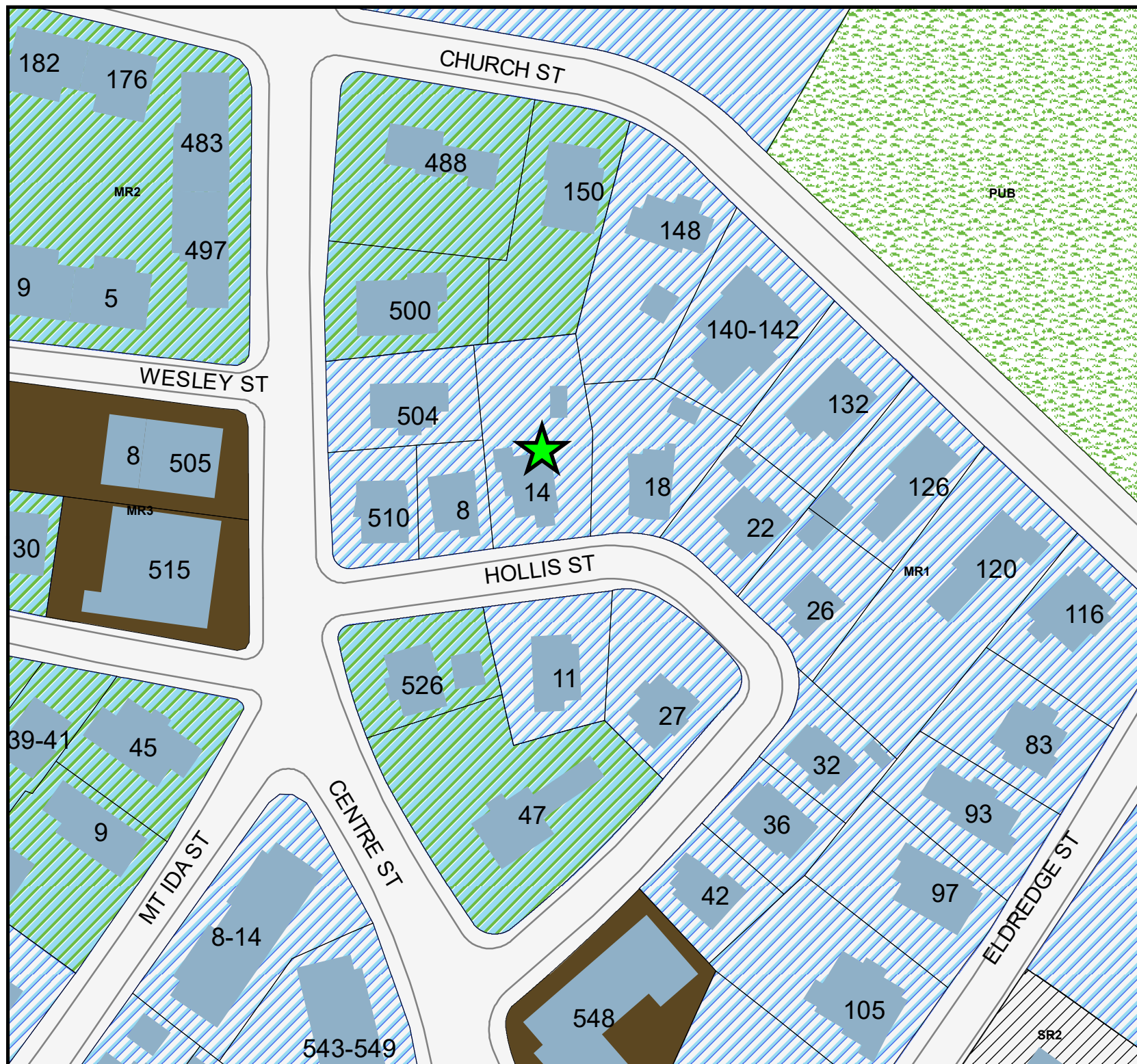
V. PETITIONER'S RESPONSIBILITIES

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 |

Map Date: October 20, 2020



ATTACHMENT B





Land Use

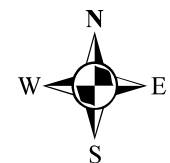
14 Hollis Street

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Nonprofit Organizations

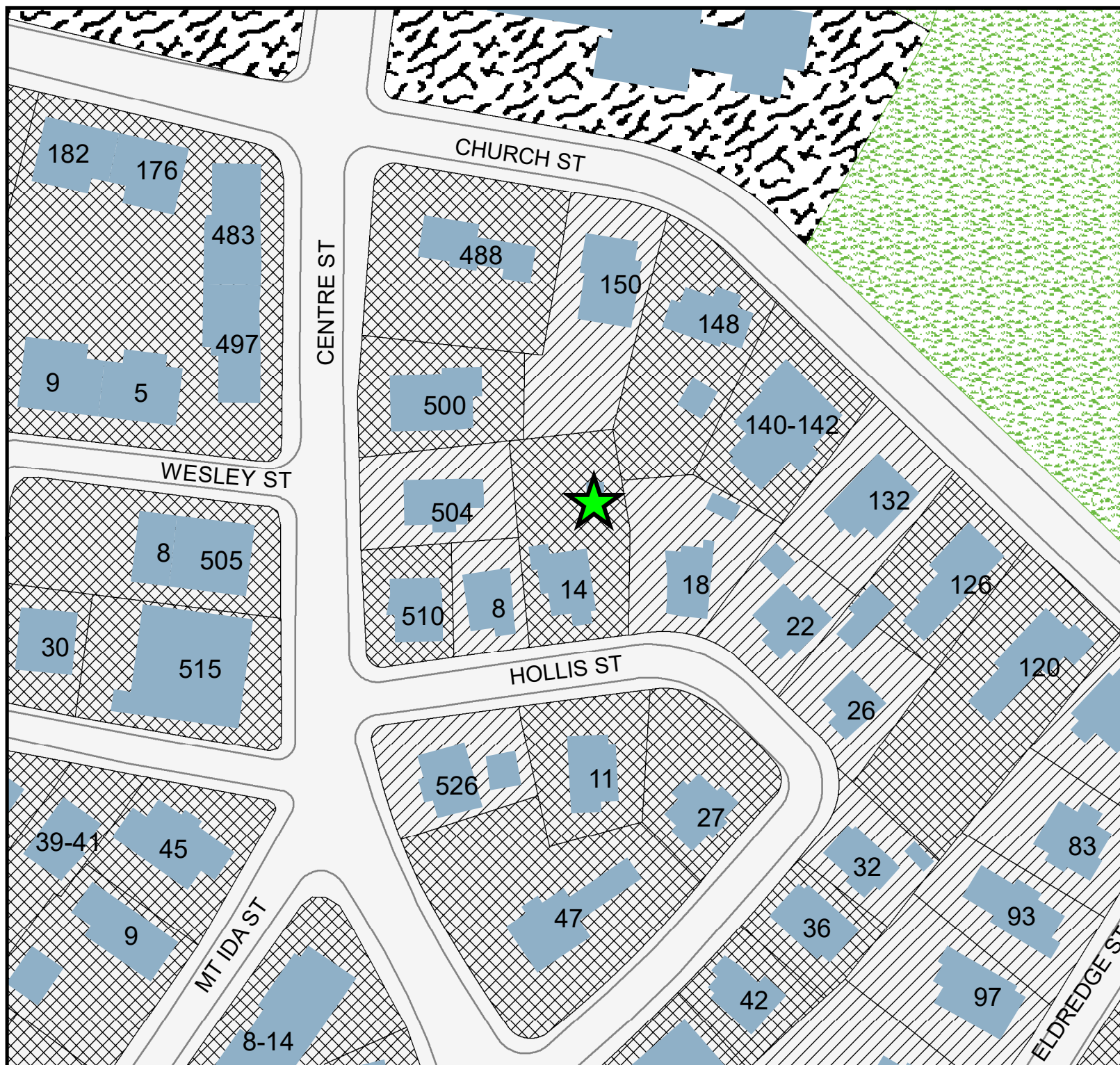


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

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

0 12.5 25 50 75 100 125 Feet

Map Date: October 20, 2020





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Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 19, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Hollis Realty LLC, Applicant
Laurance Lee, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to alter nonconforming height and to exceed FAR**

| Applicant: Hollis Realty LLC | |
|----------------------------------|-----------------------------|
| Site: 14 Hollis Street | SBL: 72006 0021 |
| Zoning: MR1 | Lot Area: 9,811 square feet |
| Current use: Two-family dwelling | Proposed use: No change |

BACKGROUND:

The property at 14 Hollis Street consists of a 9,811 square foot lot improved with a two-family dwelling and detached garage constructed in 1908. The petitioners intend to raze the existing detached garage and replace it with a larger detached garage, and to construct an addition to the rear of the existing dwelling. The proposed construction will exceed the maximum allowable FAR and alter the nonconforming height, requiring a special permit.

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

- Zoning Review Application, prepared Laurance Lee, architect, submitted 7/6/2020
- Existing Condition Plan of Land, signed and stamped by Verne T. Porter, surveyor, dated 5/26/2020
- Proposed Condition Plan of Land, signed and stamped by Verne T. Porter, surveyor, dated 5/26/2020
- FAR worksheet, signed and stamped by John Winslow, architect, submitted 7/6/2020

ADMINISTRATIVE DETERMINATIONS:

1. The existing dwelling has a nonconforming height of 36.98 feet where 36 feet is the maximum allowed per section 3.2.3. The petitioner proposes to construct a rear addition to the basement and first levels of the dwelling. The proposed addition changes the average grade resulting in a new height of 36.90 feet. The proposed addition alters the nonconforming height, requiring a special permit per sections 3.2.3 and 7.8.2.C.2.
2. The existing FAR is .45, and the proposed additions to the dwelling and the construction of the larger detached garage increase it to .55, where .48 is the maximum allowed. Per sections 3.2.3 and 3.2.1 a special permit is required to exceed FAR.

| MR1 Zone | Required | Existing | Proposed |
|----------------------|-------------------|-------------------|------------------|
| Lot Size | 7,000 square feet | 9,811 square feet | No change |
| Frontage | 70 feet | 67 feet | No change |
| Setbacks - Principal | | | |
| • Front | 11.5 feet | 11 feet | No change |
| • Side | 7.5 feet | 6.6 feet | No change |
| • Side | 7.5 feet | 23.5 feet | No change |
| • Rear | 15 feet | 60.5 feet | 45.3 feet |
| Setbacks – Accessory | | | |
| • Front | 11.5 feet | 81.8 feet | 101 feet |
| • Side | 5 feet | ±15 feet | 7 feet |
| • Rear | 5 feet | 34 feet | 11.9 feet |
| Height | | | |
| • Principal | 36 feet | 36.98 feet | No change |
| • Accessory | 22 feet | NA | 18.98 feet |
| Stories | 2.5 | 2.5 | No change |
| FAR | .48 | .45 | .55 |
| Max Lot Coverage | 30% | 16.35% | 27.56% |
| Min. Open Space | 50% | 68.65% | 50.14% |

1. See “Zoning Relief Summary” below:

| Zoning Relief Required | | |
|-------------------------------|---------------------------------------|------------------------|
| <i>Ordinance</i> | | <i>Action Required</i> |
| §3.2.3 §7.8.2.C.2 | Request to alter nonconforming height | S.P. per §7.3.3 |
| §3.2.3 §3.2.11 | 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 .45 to .55, where .48 is the maximum allowed by-right, and to extend the nonconforming height, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed addition and detached garage which exceed the FAR because the addition is subordinate to the existing structure and the proposed garage meets all dimensional standards set forth for detached structures. (§7.3.3.C.1)
2. The proposed addition and detached garage which exceed the FAR will not adversely affect the neighborhood because the addition is subordinate to the existing structure and is similar in scale with structures on similarly sized and smaller lots in the neighborhood. (§7.3.3.C.2)
3. The proposed addition and detached garage which exceed the FAR will not create a nuisance or 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)
5. The proposed increase in FAR from .45 to .55, where .48 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 will not be visible from the street. (§3.1.3, and §7.8.2.C.2)
6. The proposed alteration of nonconforming height is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the height is decreasing by one inch. (§3.1.9, §3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #368-20

PETITIONER: Hollis Realty LLC

LOCATION: 14 Hollis Street, on land known as Section 72, Block 60, Lot 21, containing approximately 9,811 square feet of land

OWNER: Hollis Realty

ADDRESS OF OWNER: 504 Centre Street
Newton, MA 02458

TO BE USED FOR: Two Family Dwelling with rear addition and detached garage

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3, §3.1.9 and §7.3.3 to exceed the floor area ratio; and §3.1.9 and §7.8.2.C.2 to further increase the nonconforming building height

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. Topographic Site Plans showing proposed conditions at 14 Hollis Street, signed and stamped by Verne Porter, Professional Land Surveyor, dated May 26, 2020
 - b. Architectural Plans, prepared by Winslow Architects, signed and stamped by John A. Winslow, Registered Architect, most recently revised May 4, 2020, consisting of nine (9) sheets:
 - i. Site Plan, C101
 - ii. Existing and Selective Removal Plans, AD-101
 - iii. Basement and First Floor Plan, A-101
 - iv. Second and Third Floor Plan, A-102
 - v. Roof Plan, A-103
 - vi. Garage Floor Plans and Elevations, A-104
 - vii. Elevations, A-201
 - viii. Elevations, A-202

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 petitioner has:
 - 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. 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.