



Setti D. Warren
Mayor

City of Newton, Massachusetts
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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: February 10, 2015
Land Use Action Date: March 3, 2015
Board of Aldermen Action Date: March 16, 2015
90-Day Expiration Date: May 4, 2015

DATE: February 6, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner

SUBJECT: **Petition #18-15**, LAURA KAY HUGHES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE to construct a two-story addition to the rear of an existing 2½-story single-family dwelling, to demolish an existing detached garage and build a new two-stall detached garage with storage above, which will increase the Floor Area Ratio from .31 to .57, where .40 is the maximum allowed by right, and for a front porch addition, which will encroach into the existing nonconforming setback at **17 Cushing Street**, Ward 6, Newton Highlands, on land known as SBL 52, 27, 10, containing approx. 8,640 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u)(2), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. 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 Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



17 Cushing Street

EXECUTIVE SUMMARY

The property at 17 Cushing Street consists of an 8,640 square foot lot in a Single Residence 2 zoning district, is improved with a single-family residence constructed in 1893 and a detached garage constructed in 1917. The petitioner is proposing to construct a two-story addition to the rear of the existing structure and to demolish and rebuild the detached garage. The proposed addition will increase the gross floor area of the structure by 2,260 square feet, or from 2,742 square feet to 5,002 square feet. The petitioner is seeking a special permit to increase the Floor Area Ratio (FAR) from .31 to .57, where .40 is the maximum allowed by right. The petitioner is also seeking to extend the nonconforming front setback by extending the existing porch by approximately 2.8 feet. The Newton Historical Commission found the existing structure to be preferably preserved, but waived the demolition delay based on the petitioner's proposed plans (**ATTACHMENT A**).

The Planning Department is concerned about the impact of the bulk and mass of the proposed addition on the existing structure, and in particular the expansion of the width of the structure in the rear. The Planning Department is also concerned about the size of the proposed garage and the overall lot coverage percentage of the structures on the site. The Planning Department notes that if the detached garage were to be counted towards lot coverage, the percentage would be greater than the maximum allowed. For these reasons, the Planning Department recommends eliminating the portion of the addition that extends out from the northwest side of the existing structure, narrowing the addition in the rear, reducing the ridge line of the addition so that it does not extend above the existing structure, and reducing the size and height of the proposed garage. The Planning Department believes that these reductions will allow the proposed addition to compliment and not overwhelm the existing structure, while still accomplishing the functional space the petitioner is seeking. The Planning Department does not have any concerns with the extension of the front porch and its nonconforming setback.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed addition is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§30-15(u)(2))
- The proposed addition is not substantially more detrimental than the existing structure is to the surrounding neighborhood. (§30-21(b))
- The specific site is an appropriate location for the proposed addition. (§30-24(d)(1))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Cushing Street between Allerton Road and Centre Street, proximate to Newton Highland's village center. The land uses in the surrounding neighborhood mostly consist of single-family dwellings and some multifamily, mixed-use, and commercial uses (**ATTACHMENT B**). The zoning districts in the surrounding neighborhood consist of Single Residence 2 and Single Residence 3 districts (**ATTACHMENT C**). There is no predominant architectural style in the neighborhood, and the sizes of the structures vary substantially.

B. Site

The site consists of an 8,640 square foot lot, improved with a 2½-story, single-family residential structure constructed in 1893 and a detached single-car garage constructed in 1917. The site is relatively flat with a mixture of deciduous and evergreen plantings along the property line, and grassy areas in the remainder of the site. The existing front setback of 16.2 feet is nonconforming, as 25 feet is required under the Newton Zoning Ordinance.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The use will remain a single-family dwelling.

B. Building and Site Design

The petitioner is proposing to construct a two-story addition to the rear of the existing structure, to demolish the existing one-car detached garage and replace it with a large two-car detached garage, and to extend the front porch. The proposed two-story addition will extend 14 feet towards the rear of the site (not including the existing screen porch which is to be removed), extend approximately eight feet to the northwest (side) property line, and extend approximately ten feet towards the southeast (side) property line. The proposed addition will expand the footprint of the existing structure by approximately 600 square feet and the new garage will add an additional 400 square feet. The two-story addition appears to extend above the existing peak by approximately one foot, and the new railings on top of the existing structure will extend approximately 3½ feet. While not labeled on the plans, the Planning Department expects that the materials of the proposed addition will match the existing structure. The proposed addition will consist of additional dining room space, a new mud room, a full and half bathroom, and stairs on the first floor, a new master bedroom, master bathroom, playspace or office space, a second bathroom, and new stairs on the second floor. Attic plans were not included in the submitted

plans; however, based on the FAR worksheet calculation the proposed addition will not increase the floor area in the attic.

The proposed addition and new garage will increase the floor area of the structure from 2,742 (.31 FAR) to 5,002 (.57 FAR), where 3,456 (.40) is allowed by right (**ATTACHMENT D**). The Planning Department is concerned about the size of the addition because of its impact on the existing structure and because of the resulting lot coverage. The proposed addition will have a width (side to side) of 48.7 feet which will extend out from the existing structure by approximately 20 feet (11 feet to the southeast and nine feet to the northwest). In addition, the proposed lot coverage of 32%, if the garage were included in the calculation, would be above the maximum allowed (30%). The Planning Department notes that there are a number of large structures in the neighborhood, as illustrated in the data from the assessor's database (**ATTACHMENT E**), but that the subject site is one of the smaller lots.

The Planning Department recommends reducing the size of the addition by eliminating the portion of the addition that extends out from the northwest side of the existing structure, narrowing the addition in the rear, reducing the ridge line of the addition so that it does not extend above the existing structure, and reducing the size and height of the proposed garage. While the addition and new garage would continue to need relief even with the reductions, the Planning Department believes that it would mitigate their impact on the existing structure and would reduce the proposed increase in footprint (approximately 1,000 square feet) by more than 30%. These changes would still allow the petitioner to create the additional functional space it is seeking.

C. Landscape Screening

There is existing trees and fencing along portions of the property line. The petitioner submitted a landscaping plan, which indicated additional plantings along portions of the property line and in the interior of the site. Overall the Planning Department believes that the existing and additional screening is adequate.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT F**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- §30-15(u)(2), §30-15 Table A, to exceed the allowable FAR.
- §30-21(b), §30-15 Table 1, to extend a nonconforming structure with respect

to the front setback.

B. Engineering Review

The Engineering Review Memorandum (**ATTACHMENT G**) provides an analysis of the proposal with regard to engineering issues. The Associate City Engineer noted minor errors in the drainage calculations, but did not raise any significant concerns. The petitioner should correct these errors as part of the final building permit plans, if the special permit is approved.

C. Historic Review

The Newton Historical Commission found the structure to be preferably preserved, but waived the demolition delay based on the design and materials of the new addition (**ATTACHMENT A**).

V. PETITIONER'S RESPONSIBILITIES

The petition should address the concerns raised in this memo at the public hearing.

ATTACHMENTS:

Attachment A:	Newton Historical Commission Review
Attachment B:	Land Use Map
Attachment C:	Zoning Map
Attachment D:	FAR Worksheet
Attachment E:	Neighborhood Comparison
Attachment F:	Zoning Review Memorandum
Attachment G:	Engineering Review Memorandum



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Mayor

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ATTACHMENT A

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Candace Havens
Director

DEMOLITION REVIEW STATUS

DATE: 10/2/14 PROJECT# 14090139

Dear Homeowner/ Contact Person:

RE: PROPERTY ADDRESS: 17 Cushing Street

We have conducted our initial site visit of the structure for which you have requested either full or partial demolition and have determined that the building or structure is **Historically Significant** for the reason(s) indicated below. Your application is now scheduled for further review by the Newton Historical Commission.

The building or structure is historically significant because it is:

- in a National Register or local historic district not visible from a public way.
- on the National Register of Historic Places or eligible for listing;
- importantly associated with historic persons, events, or architectural or social history.
- historically or architecturally important for its period, style, architect, builder, or context.
- located within 150 feet of a National Register or local historic district and contextually similar.

The next Commission meeting date is **October 23, 2014**. An agenda will be mailed to you one week prior to the meeting and will indicate approximately what time you are scheduled to present your application to the Commission. At this meeting the Newton Historical Commission will determine whether the structure(s) or partial structure(s) is "Preferably Preserved." If the building(s) is found to be "Preferably Preserved," no Building Permit for demolition shall be issued by the Inspectional Services Department unless the demolition delay is waived by the Commission or the delay expires.

Additional information on Demolition Review can be found on our website at www.ci.newton.ma.us/Planning/Historic/historical.htm. If you should have any questions prior to the meeting please call our office at 617-796-1120.

Regards,

The Historic Preservation Staff



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Candace Havens
Director

RECORD OF ACTION:

DATE: November 17, 2014

SUBJECT: 17 Cushing Street

At a scheduled meeting and public hearing on November 13, 2014 the Newton Historical Commission, by vote of 5-0:

RESOLVED to find the house at 17 Cushing Street **preferably preserved** for architectural integrity and historic context.

Voting in the Affirmative: _____ Voting in the Negative _____ Abstained _____

Dave Morton, Chairman
Nancy Grissom, Member
Jeff Templar, Member
Peter Dimond, Member
Mark Armstrong, Member

At a scheduled meeting and public hearing on November 13, 2014 the Newton Historical Commission, by vote of 5-0:

RESOLVED to **approve the waiver** at 17 Cushing Street based on the plans as presented.

Voting in the Affirmative: _____ Voting in the Negative _____ Abstained _____

Dave Morton, Chairman
Nancy Grissom, Member
Jeff Templar, Member
Peter Dimond, Member
Mark Armstrong, Member

Katy Hax Holmes, Commission Staff

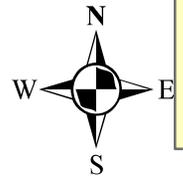
Land Use Map 17 Cushing Street

*City of Newton,
Massachusetts*

Legend

- Building Outlines
- Land Use**
 - Single Family Residential
 - Multi-Family Residential
 - Commercial
 - Mixed Use

ATTACHMENT B



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 - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: February 04, 2015



Zoning Map 17 Cushing Street

*City of Newton,
Massachusetts*

Legend

- Building Outlines
- Zoning**
- Single Residence 2
- Single Residence 3

ATTACHMENT C

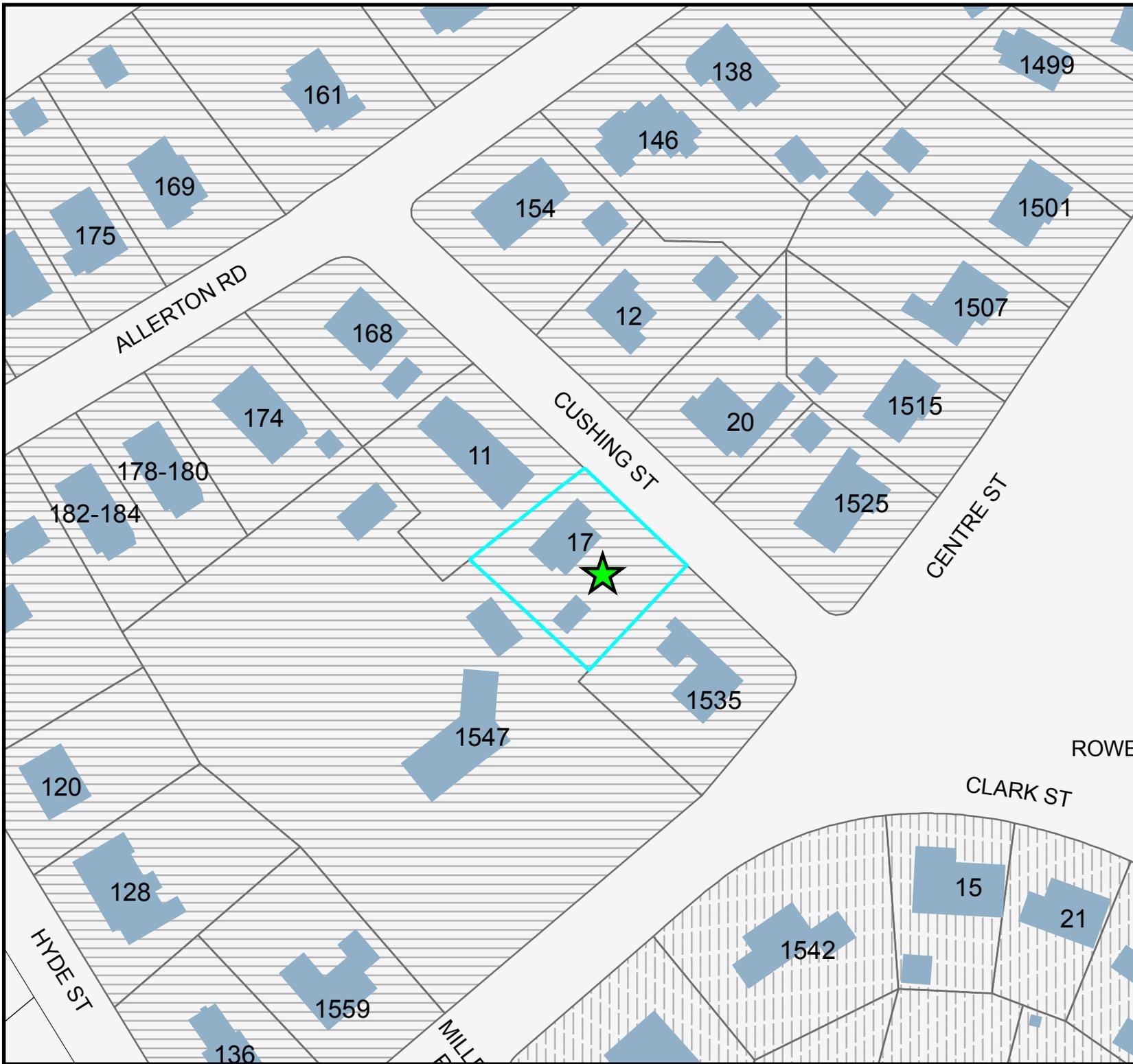


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: February 04, 2015



17 CUSHING ST.

FAR WORKSHEET – PROPOSED

Prepared by:

HARRIET CHRISTINA CHU, ALA

(print)

(signature)

9/26/14

(date)

FAR Calculations for Regulations Effective As Of October 15, 2011	
Inputs (square feet)	
1. First story	1826
2. Attached garage	0
3. Second story	1848
4. Atria, open wells, and other vertical spaces (if not counted in first/second story)	0
5. Certain floor area above the second story ^{1b}	268
6. Enclosed porches ^{2b}	0
7. Mass below first story ^{3b}	0
8. Detached garage	676
9. Area above detached garages with a ceiling height of 7' or greater	384
10. Other detached accessory buildings (one detached building up to 120 sq. ft. is exempt)	0
FAR of Proposed Structure(s)	
A. Total gross floor area (sum of rows 1-9 above)	5002
B. Lot size	8640
C. FAR = A/B	0.57
Allowed FAR	
See attached table of Allowable FAR	0.40
Bonus of .02 if eligible ^{4b}	
TOTAL Allowed FAR (add two rows above)	0.40

17 Cushing St.

FAR WORKSHEET – EXISTING

Prepared by:

HARRIET CHRISTINA CHIU, AIA

(print)

Harriet Chiu

(signature)

9/26/14

(date)

FAR Calculations for Regulations Effective As Of October 15, 2011	
Inputs (square feet)	
1. First story	1120
2. Attached garage	0
3. Second story	1093
4. Atria, open wells, and other vertical spaces (if not counted in first/second story)	0
5. Certain floor area above the second story ^{1b}	268
6. Enclosed porches ^{2b}	0
7. Mass below first story ^{3b}	0
8. Detached garage	261
9. Area above detached garages with a ceiling height of 7' or greater	0
10. Other detached accessory buildings (one detached building up to 120 sq. ft. is exempt)	0
FAR of Existing Structure(s)	
A. Total gross floor area (sum of rows 1-9 above)	2742
B. Lot size	8640
C. FAR = A/B	0.31
Allowed FAR	
See attached table of Allowable FAR	0.40
Bonus of .02 if eligible ^{4b}	0
TOTAL Allowed FAR (add two rows above)	0.40

ATTACHMENT E

INFORMATION FROM ACCESSORS DATABASE ON SURROUNDING LOTS

Address	Lot Size	House Size	Basement	Attic	Detached Garage
11 Cushing St	10,123	1,512	1,512		
12 Cushing St	8,870	2,460	1,200		462
17 Cushing St	8,640	2,649	1,072		252
20 Cushing St	8,920	2,844	1,295	528	420
154 Alerton Rd	10,760	2,849	1,396	698	374
168 Alerton Rd	9,113	3,104	1,198		264
161 Alerton Rd	18,966	2,948	1,216		240
169 Alerton Rd	13,112	2,200	1,262		360
151 Alerton Rd	17,277	2,280	1,160		
174 Alerton Rd	9,404	3,495	1,410		216
146 Alerton Rd	11,730	3,244	1,462	837	400
1515 Centre St	10,180	2,444	1,182	591	396
1525 Centre St	10,150	3,348	1,575	592	360
1535 Centre St	10,190	1,404	936		
1547 Centre St	63,340	6,744	2,402		350

This information is being provided for general comparison purposes on the size of the structure, not the FAR calculation.



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ATTACHMENT F

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: November 19, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Harriet Christina Chu, Architect
Laura Kay and Robert Hughes, Applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed maximum allowable FAR and to extend a nonconforming structure

Applicant: Laura Kay & Robert Hughes	
Site: 17 Cushing St	SBL: 52027 0010
Zoning: SR-2	Lot Area: 8,640 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 17 Cushing Street consists of an 8,640 square foot lot improved with a single-family residence constructed in 1893, and a detached garage constructed in 1917. The dwelling consists of two and one half stories. The applicant proposes to construct a two-story addition to the rear of the house, as well as to demolish the existing detached garage and to build a new two-stall detached garage with storage above. The additional space will exceed the maximum FAR allowed by the Ordinance, requiring a special permit. A front porch addition is proposed, which will further encroach into the nonconforming front setback, also requiring a special permit.

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

- Zoning Review Application, prepared by Chris Chu, architect, dated 9/30/2014
- FAR calculations, prepared by Chris Chu, architect, dated 9/26/2014
- Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 9/24/2014
- Proposed Site Plan, prepared by Chris Chu, architect, dated 11/9/2014
- Architectural Plans, prepared by Harriet Christina Chu, architect, dated 9/25/2014, revised 11/9/2014
 - Proposed first floor
 - Proposed second floor

- Proposed roof plan
- Elevations
- Garage first floor plan
- Garage second floor plan
- Garage elevations

ADMINISTRATIVE DETERMINATIONS:

1. The applicant’s proposed two-story addition and two-car detached garage structure increases the FAR from .31 to .57, which exceeds the maximum of .40 allowed by the Ordinance per section 30-15, Table A. A special permit is required to construct the project as proposed.
2. The structure has a pre-existing nonconforming front setback of 16.2 feet, where 25 feet is required for the district per Section 30-15, table 1. The applicant proposes to make an addition to the front porch, which will create a new front setback of 13.4 feet. To further encroach in to the front setback requires a special permit, per Section 30-21(b).
3. The applicant proposes to demolish the existing single-car detached garage and replace it with a 676 square foot detached garage in the corner of the lot. The total proposed lot coverage for the site, including the expanded detached garage is 32.1%, however, Section 30-15(i) states that the lot coverage requirements shall not apply to the construction of a private garage in connection with or accessory to a single- or two-family dwelling in existence on December 27, 1922. Removing the detached garage structure from the lot coverage figure gives the proposed project a lot coverage of 23.1%, which is below the 30% maximum.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	8,640 square feet	No change
Frontage	70 feet	90 feet	No change
Setbacks			
• Front	25 feet	16.2 feet	13.4 feet
• Side	7.5 feet	8 feet	7.9 feet
• Rear	15 feet	15.1 feet	No change
FAR	.40	.31	.57
Max Lot Coverage	30%	19.5%	32.1% (23.1% without the detached garage)
Min. Open Space	50%	73%	57%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2)	Exceed maximum Floor Area Ratio (FAR)	S.P. per §30-24
§30-15, Table 1 §30-21(b)	Extend a nonconforming structure with respect to front setback	S.P. per §30-24

**CITY OF NEWTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 17 Cushing Street

Date: February 5, 2015

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Chief Planner
Stephen Pantalone, Sr. Planner

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

*Site Plan of Land in Newton, MA
17 Cushing Street
Prepared by: Everett M. Brooks Company
Dated: January 9, 2015*

Executive Summary:

The plan indicates a single family dwelling on an 8,640 square foot lot [that is relatively flat], has a proposed addition and detached 2 stall garage & driveway. The drainage calculations submitted have the correct methodology for the City 100-year storm event, however; there are some mathematical errors that need correction. The operations and maintenance plan is also acceptable.

Drainage:

1. 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.
2. 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).

Sewer & Water Services:

- If the dwelling is gutted more than 50% as determined by the Inspectional Services Department, then both utility services must be updated.

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. *This note must be incorporated onto the site plan.*
7. If a Certificate of Occupancy is requested prior to all site work being completed. *This note must be incorporated onto the site plan.*

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.