



Setti D. Warren
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 16, 2015
Land Use Action Date: June 23, 2015
Board of Aldermen Action Date: July 13, 2015
90-Day Expiration Date: August 10, 2015

DATE: June 12, 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 #122-15**, ALLISON AVRAMOVICH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE to construct an attached garage and mudroom with a new driveway off of Ward Street, which will increase the existing Floor Area Ratio from .35 to .40, where .33 is the maximum allowed by right at **1005 Centre Street**, Ward 2, Newton Centre, on land known as SBL 13, 32, 14, containing approx. 15,187 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u), and 30-15 Table A, 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.



1005 Centre Street

EXECUTIVE SUMMARY

The property at 1005 Centre Street consists of 15,187 square feet of land, improved with a single-family dwelling constructed in 1916. The petitioner also owns a non-contiguous undevelopable lot located between the properties on Ward Street, Nathan Street and Centre Street. The non-contiguous parcel is accessed by a shared driveway between the subject property, 494 Ward Street and 1011 Centre Street. The petitioner is proposing to construct a one-story attached garage and mudroom on the rear of the existing house that will be accessed by a new curb cut on Ward Street. The attached garage and mudroom will cause the Floor Area Ratio (FAR) to increase by approximately 676 square feet from .35 to .40 where .33 is allowed by right. The petitioner is requesting a special permit to further exceed the allowable FAR.

The Planning Department is not concerned with the proposed addition, as it will have a minimal impact on the bulk and mass of the existing structure. The Planning Department asked the petitioner if they could orient the garage so that they could continue to use the existing shared driveway. The petitioner indicated that they preferred a separate driveway for improved access and because it allows for additional parking in front of the garage. They also indicated that the use of the shared driveway was challenging during the winter months. The Planning Department understands this rationale and does not believe the new driveway will significantly impact the streetscape, or the safety of vehicles and pedestrians.

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 nonconforming structure is to the surrounding neighborhood. (§30-21(b))
- The specific site is an appropriate location for the proposed addition. (§30-24(d)(1))
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§30-24(d)(3))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located at the corner of Centre Street and Ward Street. The land uses in the surrounding neighborhood mostly consist of single-family dwellings (**ATTACHMENT A**). The zoning districts in the surrounding neighborhood consist of

Single Residence 2 (**ATTACHMENT B**).

B. Site

The site is a corner lot consisting of 15,187 square feet of land, improved with a three-story, single-family dwelling constructed in 1916. The subject property is one of the larger lots in the immediate neighborhood. The petitioner also owns a separate non-contiguous lot located between the properties on Ward Street, Nathan Street and Centre Street that is accessed by a ten-foot shared driveway between the subject property and 494 Ward Street. The petitioner currently parks their vehicles at the rear of the existing dwelling.

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 an attached garage and mudroom to the rear of the existing building, which will be visible from Ward Street. The proposed garage will be accessed by a new driveway on Ward Street that will be located approximately 17 feet from the existing shared driveway. The petitioner is also proposing a new patio area at the rear of the structure. The petitioner will use pervious pavers for the driveway and patio area.

The proposed garage will consist of a single-story and will match the siding and materials of the main structure. The proposed garage will be minimally visible from Centre Street and fully visible from Ward Street. The Planning Department believes that the proposed garage and mudroom will not significantly impact the bulk and mass of the existing structure and will not be in derogation of the other structures in the neighborhood.

As mentioned earlier, the Planning Department asked the petitioner to consider orienting the garage doors to face the shared driveway in order to eliminate the additional curb cut. The petitioner indicated that they had considered this alternative but that the proposed design would give them easier access to the garage, would allow them to park additional vehicles in front of the proposed garage, as necessary, and would have a lesser impact on the neighbor. They also noted that during the winter months the shared driveway becomes more difficult to maneuver. The Planning Department understands with this rationale and does not have any concerns with the addition of a new curb cut.

C. Landscape Screening

The petitioner is proposing to install a row of arborvitae trees between the proposed garage and adjacent site. The Planning Department believes the proposed screening is appropriate for the site.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT C**) 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), §30-15 Table A and §30-21(b), to further exceed the allowable FAR.

B. Engineering Review

The proposed site plan indicates that the amount of impervious surface on the site will not increase by more than 400 square feet; however this assumes that the pervious pavers proposed for the driveway and patio count as pervious surfaces, which has not been the position of the Engineering Division in the past. As such, the Engineering Division will need to review the project prior to the issuance of a building permit to determine whether a drainage system is required. The Planning Department does not believe that this issue should delay the approval of the special permit.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum

Land Use Map 1005 Centre St

*City of Newton,
Massachusetts*

Legend

-  Single Family Residential
-  Mixed Use

ATTACHMENT A



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: May 27, 2015

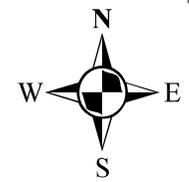


Zoning Map 1005 Centre St

*City of Newton,
Massachusetts*

Legend
Single Residence 2

ATTACHMENT B



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CITY OF NEWTON, MASSACHUSETTS
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Map Date: May 27, 2015





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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: October 15, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Laurence Lee, attorney
Avrali Investment LLC
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to increase nonconforming FAR

Applicant: Avrali Investment LLC	
Site: 1005 Centre Street	SBL: 13032 0014 and 13032 0012
Zoning: SR-2	Lot Area: 15,187 and 8,400 square feet
Current use: Single-family dwelling and detached garage	Proposed use: Single-family dwelling with attached garage

BACKGROUND:

The property at 1005 Centre Street consists of a 15,187 square foot lot improved with a single-family residence constructed in 1916, and a separate non-contiguous 8,400 square foot commonly owned parcel. The site is located at the corner of Centre and Ward Streets with the house fronting on Centre Street. A shared driveway serving dwellings at 494 Ward Street, 1005 Centre and 1011 Centre Street, leads to an existing detached garage on the non-contiguous parcel. The applicant feels that the distance of the detached garage to the existing dwelling at 1005 Centre St is prohibitive, and the applicants propose construction of a 676 square foot attached garage and mudroom, and new driveway off of Ward Street. The existing single-family dwelling already exceeds the maximum allowed FAR, and the new construction will further increase it, requiring a special permit.

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

- Zoning Review Application, prepared by Laurence Lee, attorney, submitted 9/16/2014
- Plot Plan, signed and stamped by Peter J. Nolan, surveyor, dated 2/18/2014

- Permit Set, signed and stamped by Richard A. Volkin, engineer, dated 5/18/2014
 - Foundation and Basement Plan
 - First Floor Plan
 - Second Floor Plan
 - Attic Floor Plan
 - Front Elevation
 - Right Side Elevation
 - Left Side Elevation
 - Rear Elevation

ADMINISTRATIVE DETERMINATIONS:

1. The proposed addition of the attached garage and mudroom increases the structure’s nonconforming FAR from .35, to .40, which exceeds the .33 maximum permitted by the Ordinance per Section 30-15, Table A. To construct the additions as proposed, the applicant must obtain a special permit from the Board of Aldermen per Sections 30-15(u)(2) and 30-21(b).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	15,187 square feet	No change
Frontage	80 feet	96.5 feet	No change
Setbacks for existing structure			
• Front	25 feet	41.1feet	30 feet
• Side	7.5 feet	7.7 feet	No change
• Rear	15 feet	+/- 40 feet	15.1 feet
FAR	.33	.35	.40
Max. Lot Coverage	30%		19.3%
Min. Open Space	50%		73%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, §30-15(u), §30-21(b)	Exceed Floor Area Ratio (FAR)	S.P. per §30-24