



Ruthanne Fuller
Mayor

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

#34-23
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov
Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:

February 7, 2023

DATE: February 3, 2023

TO: City Council

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

SUBJECT: **Petition #34-23** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached garage structure exceeding FAR and to allow parking within five feet of the street at **50 Elmore Street**, Ward 2, Newton Centre, on land known as Section 13 Block 31 Lot 06, containing approximately 7,733 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.3, 3.1.9, 5.1.7.B.2, 5.1.13 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.



50 Elmore Street

EXECUTIVE SUMMARY

The subject property at 50 Elmore Street consists of a 7,733 square foot lot in a Single Residence 2 (SR2) district improved with a 2,952 square foot single-family dwelling constructed circa 1900.

The petitioner proposes to construct a 1.5-story detached two-car garage at the rear right (east) corner of the property and an associated approx. 19.75-foot-wide curb cut and driveway. As the proposed garage would increase the property's floor area ratio (FAR) from 0.38 to 0.47 where 0.42 is the maximum allowed per Sections 3.1.3 and 3.1.9 of the Newton Zoning Ordinance (NZO), it requires a special permit.

The petitioner also proposes to pave an existing gravel driveway on the left (west) side of the lot, reducing its size to 23.4 feet deep and 9.7 feet wide. As Sec. 5.1.7.B.2 requires a minimum stall depth of 19 feet, the proposed parking stall would be 4.4 feet of the street, requiring a special permit per Sec. 5.1.13 to allow a parking stall within five feet of the street.

The Planning Department observes that as proposed the parcel would have two curb cuts with a combined width of approx. 30 feet, representing about 37% of the lot's frontage. The two proposed paved driveways would together occupy more than 20% of the lot area (this does not include the 484 square foot garage). The Petitioner should consider the measures described in this memorandum to increase the overall open space of the site and for the site to have only one curb cut.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site in a Single Residence 2 (SR2) district is an appropriate location for the proposed parking stall within five feet of a street (§7.3.3.C.1)
- The proposed parking stall within five feet of a street will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed parking stall within five feet of a street 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 of the property's floor area ratio (FAR) from 0.38 to 0.47 where 0.42 is the maximum allowed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the south side of Elmore Street west of Morseland Avenue. Its use as a single-family dwelling is consistent with the majority of surrounding properties, with exceptions including some two-family dwellings throughout the vicinity and Congregation Beth El to the west. The site and the surrounding area are uniformly zoned

Single Residence 2 (SR2).

B. Site

The property consists of a 7,733 square foot level lot improved with a single-family dwelling built circa 1900. Vehicular access is provided by a driveway on the left side of the property, where the driveway extends along the left property line.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a single-family residence .

B. Building and Site Design

The petitioner proposes to construct 1.5-story detached two-car garage at the rear right (west) corner of the property. No modifications to the existing dwelling are proposed.

The garage would have 1½ stories and a measured height of 22 feet, the maximums allowed for an accessory structure. As the garage would be located 5.1 and five feet from the right side and rear property lines, both of the affected setbacks would be conforming with the five foot minimum setback for accessory structures.



Proposed garage elevations

proposed paved driveways would together occupy more than 20% of the lot area (this does not include the 484 square foot garage).

Given the foregoing, the Department recommends that the petitioner consider eliminating the left side driveway and narrowing the proposed right side driveway. As the left side driveway appears to be intended to accommodate a single parking stall, the petitioner should explore reconfiguring the right side driveway to have varying widths that could accommodate that stall but also minimize its width elsewhere along its length. Relatedly, the Department recommends the petitioner consider narrowing both the proposed right side curb cut and the driveway's width at the back of the sidewalk.

In the event the driveways were not to be consolidated, the Department recommends that the right side driveway and curb cut be narrowed to reduce the amount of paving and the left side driveway be slightly lengthened by approx. a foot so that that parking stall would be at least five feet from the back of the sidewalk and therefore no longer require relief for a stall closer than that to the front property line.

D. Landscaping

A landscaping plan was not submitted with this petition. The Planning Department recommends the petitioner consider installing appropriate vegetation along the side property lines to screen the proposed driveways from abutting properties and public rights of way.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3 to:
 - exceed FAR (§3.1.3; §3.1.9)
 - allow parking within five feet of a street (§5.1.7.B.2, §5.1.13)

B. Engineering Review

Review of this proposal by the Engineering Division is not required at this time.

C. Historic Review

Review of this proposal by the Newton Historic Commission is not required at this time.

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
- Attachment D:** DRAFT Council Order



Ruthanne Fuller
Mayor

ATTACHMENT A

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

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 5, 2023

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Yanmei Lin, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: **Request to exceed FAR and to allow parking within five feet of the street**

Applicant: Yanmei Lin	
Site: 50 Elmore Street	SBL: 13031 0006
Zoning: SR2	Lot Area: 7,733 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 50 Elmore Street consists of a 7,733 square foot lot improved with a single-family dwelling constructed circa 1900. The petitioner proposes to construct a detached garage structure which will exceed FAR and construct a driveway which places a parking stall within five feet of the street, requiring a special permit.

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

- Zoning Review Application, prepared Yanmei Lin, applicant, submitted 11/28/2022
- Plan Showing Existing Conditions, signed and stamped by Joseph L. Calabro Jr, surveyor, dated 8/13/2021, revised 11/18/2021
- Plan Showing Proposed Garage, signed and stamped by Joseph L. Calabro Jr, surveyor, dated 11/15/2022
- Floor Plans and Elevations, dated 11/7/2022
- FAR calculations, submitted 11/28/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct a 729 square foot 1.5-story detached two-car garage at the rear of the property. The proposed construction increases the FAR from .38 to .47, where .42 is the maximum allowed per sections 3.1.3 and 3.1.9, requiring a special permit.
2. The petitioner proposes to construct a new paved driveway for the proposed garage on the western side of the lot. The existing driveway on the eastern side of the lot will be paved and reduced in size to 23.4 feet deep and 9.7 feet wide. Per section 5.1.7.A, in no case may a parking stall be set back less than five feet from the street. Where section 5.1.7.B.2 requires a minimum stall depth of 19 feet, the proposed parking stall will be within 4.4 feet of the street, requiring a special permit per section 5.1.13.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,733 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks - Principal			
• Front	25 feet	23.1 feet	No change
• Side	7.5 feet	17.5 feet	No change
• Side	7.5 feet	24.5 feet	No change
• Rear	15 feet	30 feet	No change
Setbacks - Accessory			
• Front	25 feet		±75 feet
• Side	5 feet		±45 feet
• Side	5 feet		5.1 feet
• Rear	5 feet		5 feet
Height - Accessory	22 feet		22 feet
Stories - Accessory	1.5		1.5
FAR	.42	.38	.47*
Max Lot Coverage	30%	18.2%	23.4%
Min. Open Space	50%	81.8%	54.2%

BOLD indicates a nonconformity

*Relief required

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
§5.1.7.B.2 §5.1.13	Request to allow parking within five feet of a street	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow

an increased floor area ratio (FAR) of 0.47 where 0.38 exists and 0.42 is the maximum allowed by right (§3.1.3; §3.1.9) and parking within five feet of a street (§5.1.7.B.2, §5.1.13)

as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- *literal compliance with the requirement that parking stalls not be set back less than 5 feet from the street is impracticable due to the nature, of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13)*
- The proposed increase of the property's floor area ratio (FAR) from 0.38 to 0.47 where 0.42 is the maximum allowed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9)

PETITION NUMBER: #34-23

PETITIONER: Yanmei Lin

LOCATION: 50 Elmore Street, Newton Centre, on land known as Section 13 Block 31 Lot 06, containing approximately 7,733 sq. ft. of land

OWNER: Yanmei Lin

ADDRESS OF OWNER: 50 Elmore Street
Newton, MA 02459

TO BE USED FOR: Single Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- exceed allowed floor area ratio (FAR) (§3.1.3, §3.1.9)
- allow parking within five feet of a street (§5.1.7.B.2, §5.1.13)

ZONING: Single Residence 2 (SR2)

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 the following plans:
 - a. a site plan entitled "Plan showing Proposed Garage in Newton, MA," dated October 15, 2022, prepared by Miller Surveying Services, stamped and signed by Joseph Calabro, Registered Professional Land Surveyor
 - b. architectural plans entitled "50 Elmore Street, Newton, MA ," dated November 7, 2022, comprised of the following sheets:
 - i. Proposed Site Plan (A-1)
 - ii. Proposed Garage Plan (A-2)
 - iii. Proposed Second Roof Plan (A-3)
 - iv. Proposed Elevations (A-4)
 - v. Proposed Elevations (A-5)
 - vi. Wall Sections (A-6)
 - c. a document entitled "Floor Area Worksheet- 50 Elmore St, Newton, MA 02456" indicating a proposed total gross floor area of 3,681 square feet and a proposed FAR (floor area ratio) of 0.47
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Provided a Final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the buildings 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 a registered architect or engineer certifying compliance with Condition #1.
- 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 land surveyor.