



#38-19

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	February 5, 2019
Land Use Action Date:	April 9, 2019
City Council Action Date:	April 15, 2019
90-Day Expiration Date:	May 6, 2019

DATE: February 1, 2019

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Katie Whewell, Planning Associate

SUBJECT: **Petition #38-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the habitable space above an existing attached garage, creating an FAR of .36 exceeding the allowable FAR of .34 where .34 exists at **11 Village Circle**, Ward 8, Newton, on land known as Section 81, Block 3, Lot 9, containing approximately 14,498 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. §3.1.9, §3.1.3, and §7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

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.



11 Village Circle

EXECUTIVE SUMMARY

The property located at 11 Village Circle contains an 8,289 square foot lot in the Single Residence 2 (SR-2) zone in the Oak Hill neighborhood of Newton. The lot is improved with a single-family residence currently under construction. At the time the petitioners filed for their building permit, they were advised that the plans exceeded the maximum allowable FAR. The petitioners modified the design to eliminate the uninhabitable space intended as a closet over the attached garage, reducing the FAR enough to allow for a by-right building permit to be issued. The petitioners are now applying for relief to exceed FAR to add 339 square feet over the garage. The proposed space increases the FAR from .34 to .36 which exceeds the maximum of .34. The petitioner now seeks approval of the proposed space over the attached garage, requiring a special permit to exceed the allowable FAR.

As designed, the proposed space above the garage would increase the floor area ratio from .34 to .36, where .34 is the maximum allowed. The proposed space over the garage will not increase the footprint of the structure and meets all dimensional requirements. The proposed space above the garage is consistent with the size and scale of other homes in the neighborhood, several of which have the same style of home and space above the garage. Due to this, the Planning Department is unconcerned with the proposed space above the garage that exceeds the allowable FAR.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

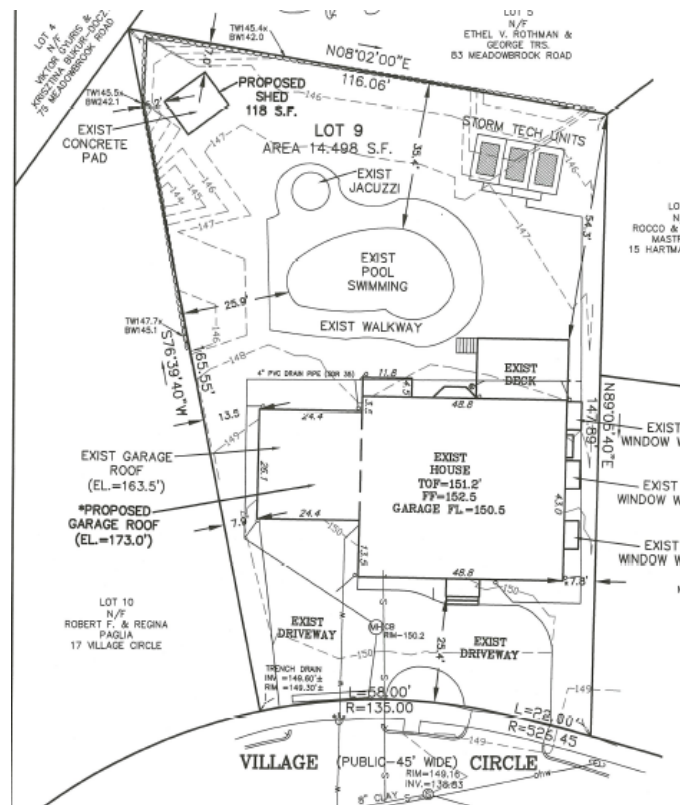
When reviewing this request, the
Council should consider whether:

- The proposed increase in FAR from .34 to .36, 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. (§3.1.9)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Village Circle in the SR-2 zone in Oak Hill. The surrounding area is zoned Single Residence 2, with the exception of a Public Use zone at Charles E. Brown Middle School, north of Hartman Street (**Attachment A**). The land use of adjacent and surrounding properties is single family residential (**Attachment B**). Other homes on Village Circle are similar in size, scale and design as 11 Village Circle. Most of the homes in the neighborhood have space above the garage similar to the proposed space at 11 Village Circle.



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

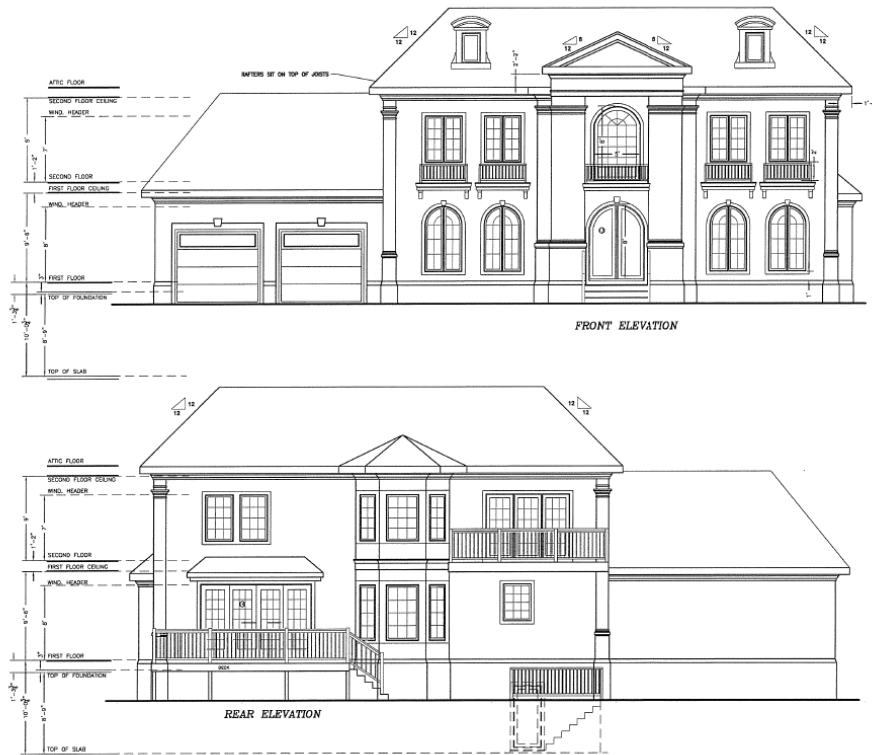
B. Building Design

The petitioners are seeking to construct a 339 square foot space for a closet above an attached two-car garage. The closet would connect to the master bedroom on the second floor of the house. The proposed addition is within the existing footprint of the building.

Existing Elevations, Front and Rear:



Proposed Elevations: Front and Rear:



C. Site Design

The petitioners are not proposing any changes to the site.

D. Parking and Circulation

The petitioners are not making any changes to parking or circulation.

E. 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 §7.8.2.C.2 of Section 30, to exceed the allowable FAR.

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

This petition does not meet the minimum threshold for Newton Historical Commission review.

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

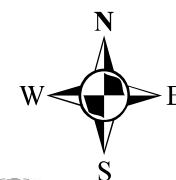
Zoning

11 Village Circle

*City of Newton,
Massachusetts*

Legend

-  Single Residence 2
-  Public Use

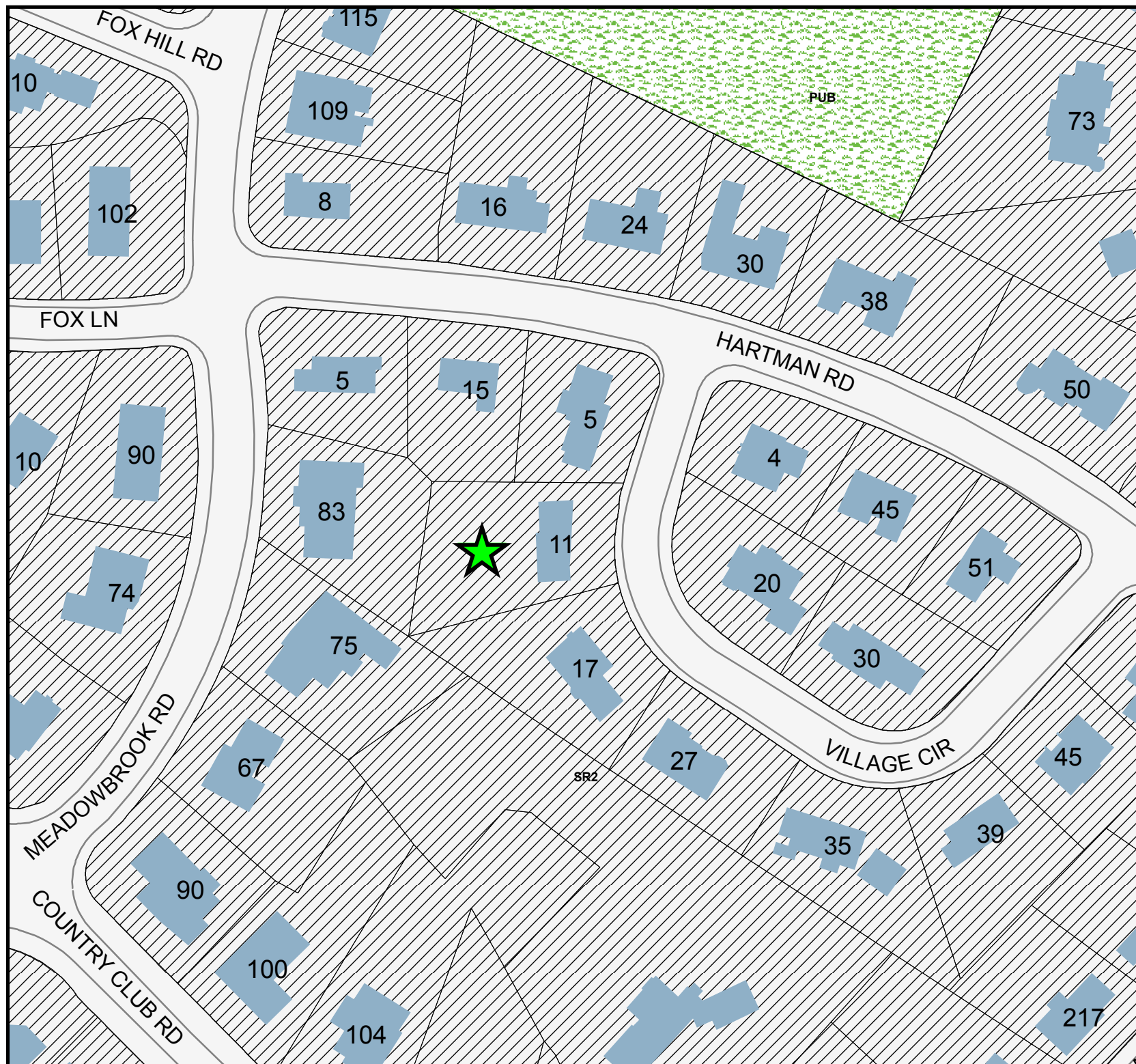


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve 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: January 23, 2019



ATTACHMENT B

Land Use

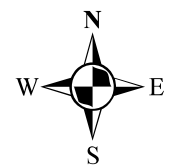
11 Village Circle

*City of Newton,
Massachusetts*

Legend

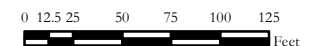
Land Use

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

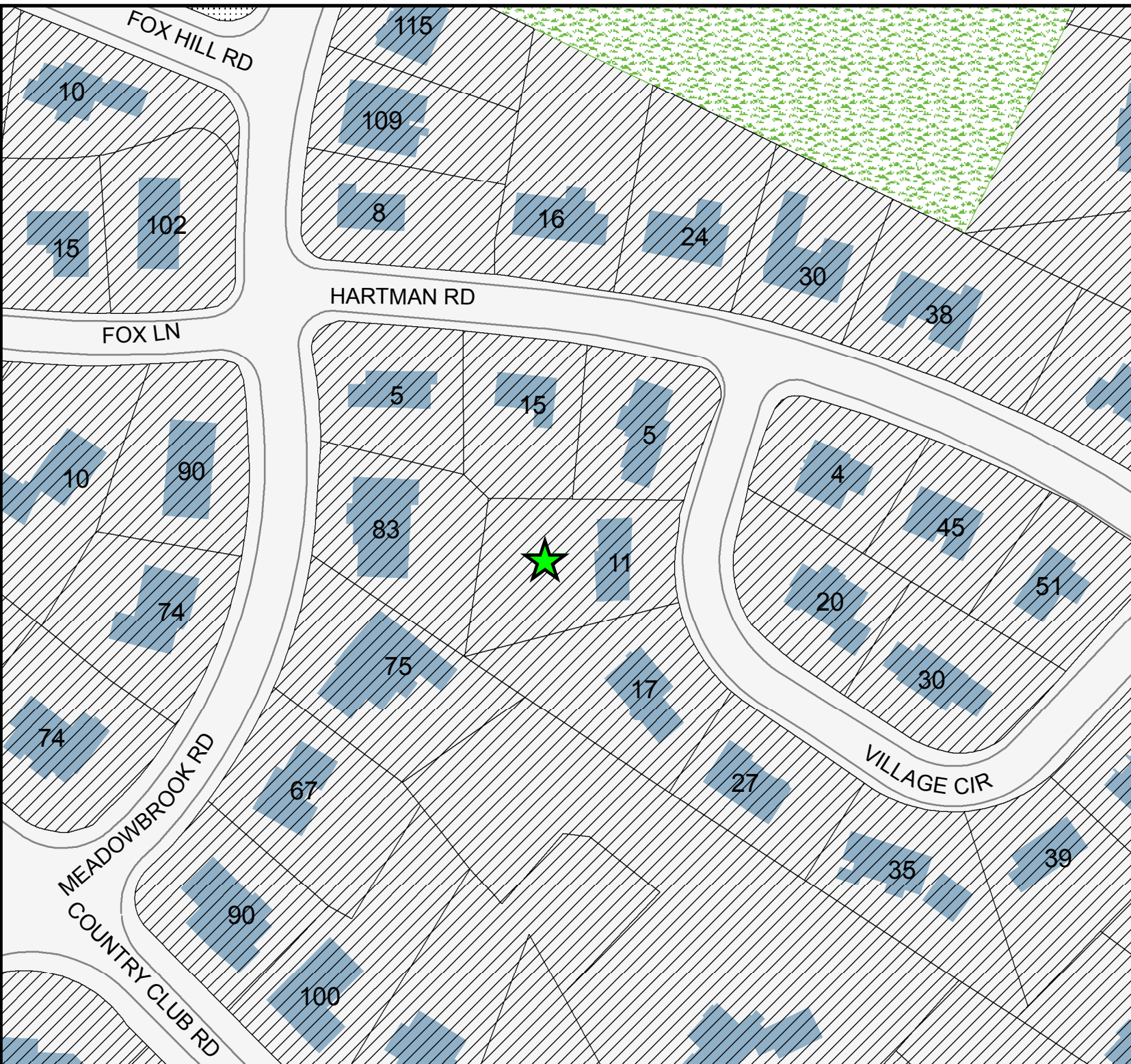


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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Map Date: January 23, 2019





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Attachment C
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 14, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Alexander Genin and Veronica Turovsky, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to exceed FAR**

Applicant: Alexander Genin and Veronica Turovsky	
Site: 11 Village Circle	SBL: 81003 0009
Zoning: SR2	Lot Area: 14,498 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 11 Village Circle consists of a 14,498 square foot lot improved with a single-family residence currently under construction. At the time the petitioners filed for their building permit, they were advised that the plans under review by this application exceeded the maximum allowable FAR. The petitioners modified the design to eliminate the space intended as a closet over the attached garage, reducing the FAR enough to allow for a by-right building permit to be issued. The petitioner now seeks approval of the proposed space over the attached garage, requiring a special permit to exceed the allowable FAR.

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

- Zoning Review Application, prepared Alexander Genin, applicant, dated 11/15/2018
- FAR Worksheet, submitted 11/15/2018
- Civil Plan, signed and stamped by A. Matthew Belski, Jr, surveyor, dated 6/11/2018
- Architectural plans and elevations, signed and stamped by Richard Volkin, engineer, dated 6/21/2018

ADMINISTRATIVE DETERMINATIONS:

1. The single-family dwelling is under construction by a building permit issued by Inspectional Services in August 2018 at the maximum allowable FAR of .34. The petitioner proposes to add 339 square feet over the attached garage to be used as a closet. The proposed space increases the FAR from .34 to .36, which exceeds the maximum of .34 allowed by section 3.1.9, requiring a special permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	14,498 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	27 feet 7.9 feet 69.8 feet	No change No change No change
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	32.05 feet	No change
FAR	.34	.34	.36
Max Lot Coverage	30%	19.2%	No change
Min. Open Space	50%	73.3%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§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 increase the floor area ratio (FAR) from .34 to .36, where .34 is the maximum allowed as of right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed increase in floor area ratio from .34 to .36, where .34 is the maximum allowed by right is consistent with and not in derogation of the size, scale, or design of other structures in the neighborhood and will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed garage is consistent with other attached two care garages in the neighborhood, meets all setback requirements, and is not higher than the existing structure (§3.1.9 and §7.8.2.C.2).

PETITION NUMBER: #38-19

PETITIONER: Alexander Genin and Veronica Turovsky Genin

LOCATION: 11 Village Circle, on land known as Section 81, Block 3, Lot 9, containing approximately 14,498 square feet of land

OWNER: Alexander Genin and Veronica Turovsky Genin

ADDRESS OF OWNER: 11 Village Circle
Newton, MA 02459

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood

EXPLANATORY NOTES: §3.1.3, §3.1.9 and §7.8.2.C.2 to further increase the FAR

ZONING: Single Residence 2 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. Certified Plot Plan, signed and stamped by A. Matthew Belski Jr., Professional Land Surveyor, dated January 11, 2019.
 - b. Architectural Plans, signed and stamped by Richard A. Volkin, registered Architect, dated January 10, 2019, consisting of the following five (5) sheets:
 - i. A-1 As Built First Floor Plan
 - ii. A-2 As Built Second Floor and Attic Plans
 - iii. A-4 As Built Elevations
 - iv. A-5 As Built Elevations
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. 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. 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.
 - 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 architect.