



#24-22

Telephone

(617) 796-1120

Telefax

(617) 796-1142

TDD/TTY

(617) 796-1089

www.newtonma.gov

City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 11, 2022
Land Use Action Date: March 29, 2022
City Council Action Date: April 4, 2022
90-Day Expiration Date: April 11, 2022

DATE: January 7, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning

SUBJECT: **Petition #24-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow more than 700 square feet of garage area and to waive the dormer provisions at **22 Kirkstall Road**, Ward 2, Newtonville, on land known as Section 22, Block 21, Lot 47, containing approximately 33,843 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. §1.5.4.G.2, §3.4.4.E.1, §7.3.3, and §7.4 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.



22 Kirkstall Road

EXECUTIVE SUMMARY

The subject property located at 22 Kirkstall Road consists of a 33,843 square foot lot in the Single Residence 2 zone (the “SR-2 zone”) in Newtonville. The lot is improved with a single-family residence constructed circa 1895 and a detached garage. The petitioners seek to enlarge the garage via a rear addition as well as a half-story. The expanded garage’s ground floor area would exceed 700 square feet, requiring a special permit. Additionally, the half-story requires special permits because the proposed dormers create a continual wall plane and because they are greater than 50 percent of the width of the exterior wall below.

The expanded garage would maintain setbacks exceeding those required for principal structures and due to its location, it would remain minimally visible from public ways and abutting properties. For these reasons, the Planning Department is unconcerned with the expanded garage.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for a garage exceeding 700 square feet of ground-floor area and for dormers which create an uninterrupted wall plane, and which exceed 50 percent of the length of the exterior wall of the story next below. (§7.3.3.C.1)
- The proposed garage exceeding 700 square feet of ground-floor area and dormers which create an uninterrupted wall plane, and which exceed 50 percent of the length of the exterior wall of the story next below will adversely impact the neighborhood. (§7.3.3.C.2)
- The proposed garage exceeding 700 square feet of ground-floor area and for dormers which create an uninterrupted wall plane, and which exceed 50 percent of the length of the exterior wall of the story next below 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)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

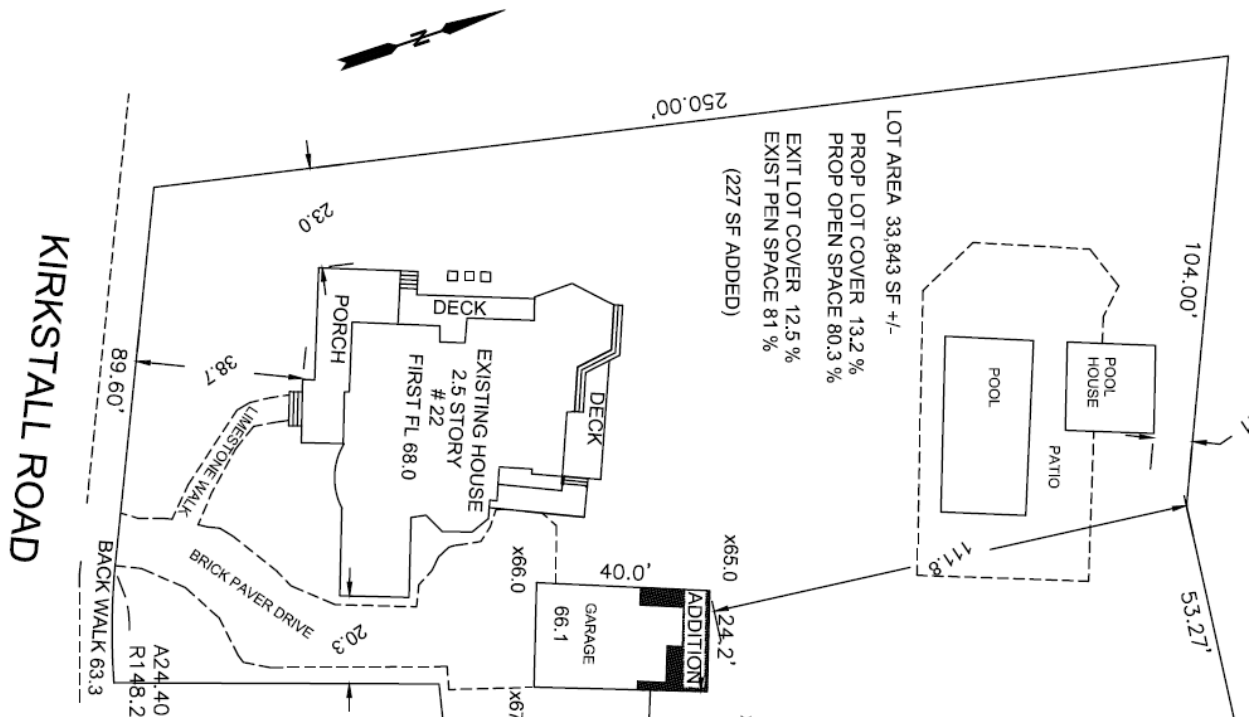
A. Neighborhood and Zoning

The subject property is located on Kirkstall Road in the SR-2 zone in Newtonville. The SR-2 zone encompasses the immediate area. As such, the area consists entirely of single-family uses, except a non-profit use to the west (**Attachments A and B**).

B. Site

The site consists of 33,843 square feet, improved with a 2.5-story single-family dwelling and a detached garage. The lot lies above the grade of the street such that the ground-floor of the garage is three feet higher than the street. The lot is served by a curb cut near the southeastern boundary providing access to a driveway and the garage. To the rear, there is a swimming pool and an associated structure. The site is improved with mature landscaping at all boundaries.

Figure I: Site Plan



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

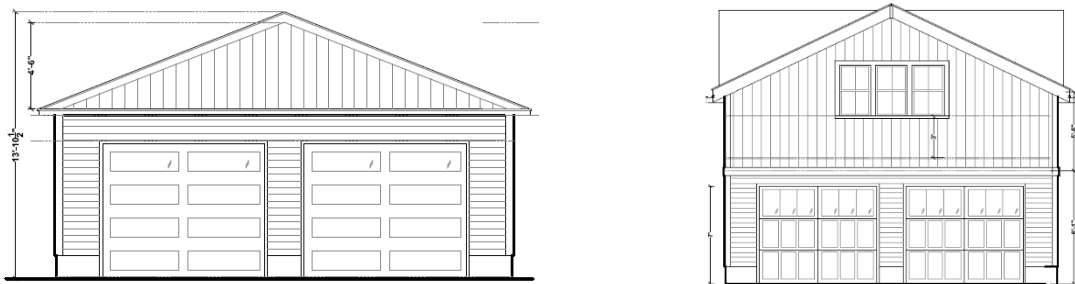
B. Site and Building Design

The petitioners are proposing to enlarge the garage by constructing a rear addition as well as by constructing a half story. The rear addition would extend the footprint approximately nine feet to the north, maintaining the 8.6-foot setback from the eastern (side) boundary. The resulting footprint would measure 876 square feet, where 700 feet

is the maximum allowed as of right. The proposed half-story would increase the garage's height by six feet, for a height of 19.5 feet, below the 22-foot maximum. The petitioners are not proposing any other changes to the site.

The half-story's design is interpreted as creating dormers on the east and west facades because the roof does not intersect with the ceiling of the first story. Subsequently, the dormers create an uninterrupted wall plane from the first story to the half story and run the entire length of the façade, exceeding the 50 percent maximum, both conditions require a special permit.

Existing and Proposed Front Elevations



Proposed West Elevation



*Area is red is considered a shed dormer

The expanded garage would maintain setbacks exceeding those required for principal structures and due to its location, it would remain minimally visible from public ways and abutting properties. For these reasons, the Planning Department is unconcerned with the expanded garage.

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:

- §3.4.4.E.1 and §7.3.3 of Section 30, to allow more than 700 square feet of garage space;
- §1.5.4.G.2.a and §7.3.3 of Section 30, to allow a dormer creating a continual wall plane; and
- 1.5.4.G.2.b and §7.3.3 of Section 30, to allow a dormer exceeding 50 percent of the length of the exterior wall of the story next below.

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 review under the demolition delay ordinance.

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




ATTACHMENT A

Zoning

22 Kirkstall Road

*City of Newton,
Massachusetts*

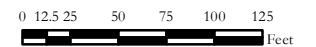
Legend

-  Single Residence 2
-  Multi-Residence 1
-  Public Use

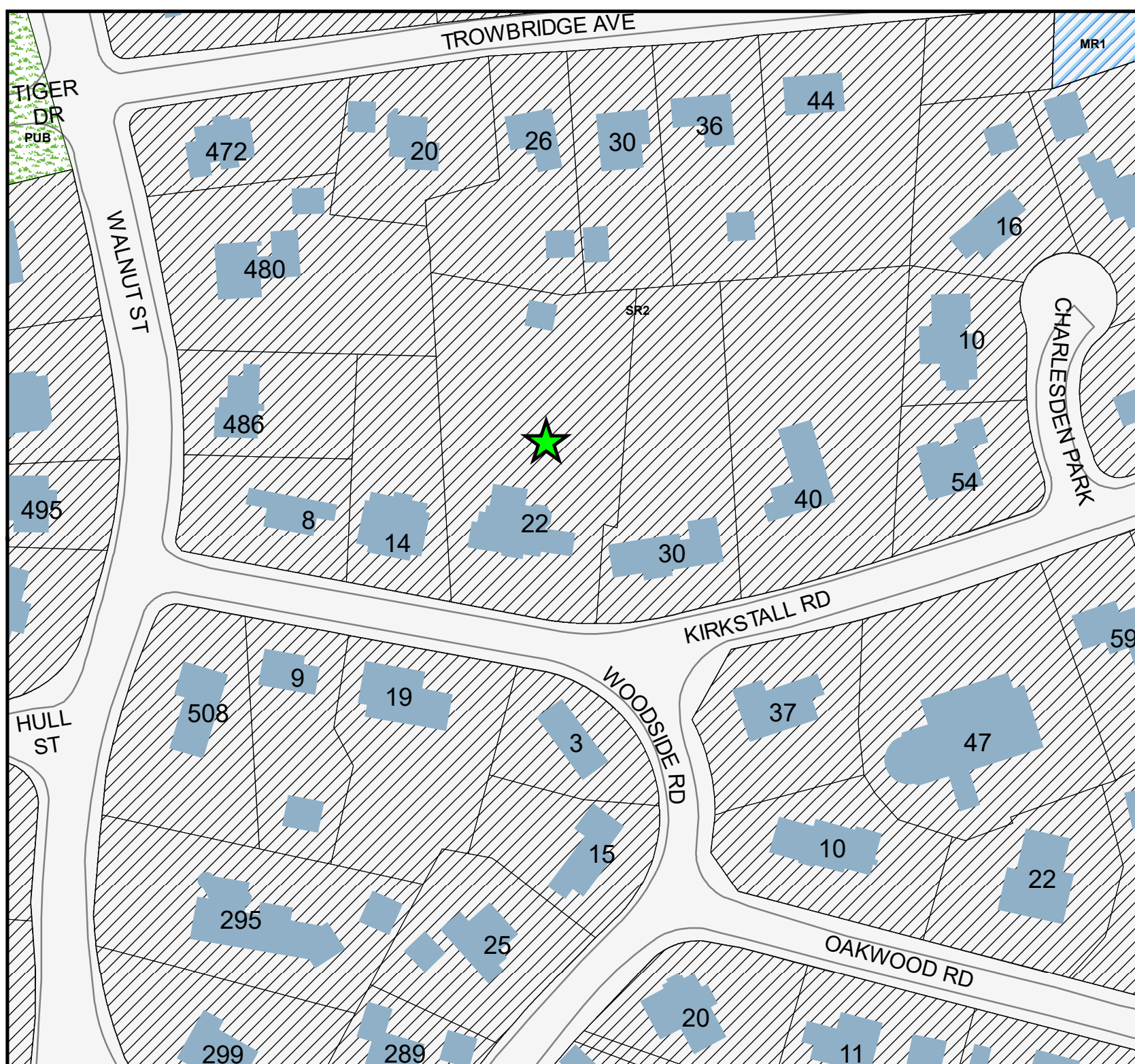


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: January 06, 2022



ATTACHMENT B

Land Use

22 Kirkstall Road

*City of Newton,
Massachusetts*

Legend

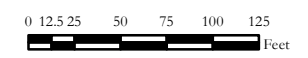
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  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



Map Date: January 06, 2022





Ruthanne Fuller
Mayor

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

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

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: October 14, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Andrea Zaff, Architect
Brendan Smith and Courtney Kain, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow more than 700 square feet of total garage area on a lot and for oversized dormers on a detached accessory structure

Applicant: Brendan Smith and Courtney Kain	
Site: 22 Kirkstall Road	SBL: 22021 0047
Zoning: SR2	Lot Area: 33,843 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 22 Kirkstall Road consists of a 33,843 square foot lot improved with a single-family dwelling constructed in 1895 and a detached garage. The petitioners propose to expand the garage with a rear addition and a half-story, exceeding the maximum square footage of garage area, requiring a special permit.

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

- Zoning Review Application, prepared by Andrea Zaff, architect, submitted 9/3/2021
- Plans and elevations, signed and stamped by Andrea Zaff, architect, dated 7/21/2021
- Site Plan, Existing Conditions, signed and stamped by Frank Iebba, surveyor, dated 12/7/2020
- Site Plan, Proposed Conditions, signed and stamped by Frank Iebba, surveyor, dated 8/27/2021
- FAR worksheet, submitted 9/3/2021

ADMINISTRATIVE DETERMINATIONS:

1. Per section 3.4.4.E.1 there may be no more than 700 square feet in total garage area on a lot for a residential building with one dwelling unit. The petitioners propose to enlarge the existing 628 square foot garage to an 876 square foot footprint. Per section 3.4.4.H.1 a special permit is required to exceed 700 square feet of garage area.

2. Section 1.5.4.G.2.a requires that a roof line overhang must continue between the dormer and the story next below so as to avoid the appearance of an uninterrupted wall plane. Dormers on the east and west elevations of the proposed garage have an uninterrupted wall plane to the half story, requiring a special permit.

3. Per section 1.5.4.G.2.b, a special permit is required for a dormer exceeding 50% of the length of the exterior wall of the story next below. The petitioners propose to construct a half-story in the garage which does not lie directly under a sloping roof, but rather has 5.75-foot-high knee walls, creating full shed dormers on each side. The proposed full shed dormers are 100% of the length of the story below, requiring a special permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	21,723 square feet	No change
Frontage	100 feet	160 feet	No change
Setbacks - Principal			
• Front	25 feet	38.7 feet	No change
• Side	7.5 feet	23 feet	No change
• Side	7.5 feet	20.3 feet	No change
• Rear	15 feet	>100 feet	No change
Setbacks - Accessory			
• Front	25 feet	>50 feet	No change
• Side	5 feet	±50 feet	No change
• Side	5 feet	8.6 feet	No change
• Rear	5 feet	>115 feet	115 feet
Max Number of Stories			
• Principal	2.5	2.5	No change
• Accessory	1.5	1.5	No change
Height			
• Principal	36 feet	NA	No change
• Accessory	22 feet	13.8 feet	20.1 feet
FAR	.33	.17	.20
Max Lot Coverage	30%	12.5%	13.2%
Min. Open Space	50%	81%	80.3%

See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.4.E.1	To allow 876 square feet of total garage area	S.P. per §7.3.3
§1.5.4.G.2.a	To allow a dormer with an uninterrupted wall plane	S.P. per §7.3.3
§1.5.4.G.2.b	To allow an oversized dormer	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 allow a garage with more than 700 square feet of ground-floor area and to waive certain dormer provisions 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 a garage exceeding 700 square feet of ground floor area and for dormers which create an uninterrupted wall plane, and which exceed 50 percent of the length of the exterior wall of the story next below because the proposed garage will comply with principal building setback requirements and will be limited to 1.5 stories. (§7.3.3.C.1)
2. The proposed garage exceeding 700 square feet of ground floor area and dormers which create an uninterrupted wall plane, and which exceed 50 percent of the length of the exterior wall of the story next below will not adversely impact the neighborhood because the existing location will be maintained. (§7.3.3.C.2)
3. The proposed garage exceeding 700 square feet of ground floor area and for dormers which create an uninterrupted wall plane, and which exceed 50 percent of the length of the exterior wall of the story next below will not create a nuisance or serious hazard to vehicles or pedestrians because there are changes to the curb cut or driveway. (§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)

PETITION NUMBER: #24-22

PETITIONER: Brendan J. Smith and Courtney A. Kain

LOCATION: 22 Kirkstall Road, on land known as Section 22, Block 21, Lot 47, containing approximately 33,843 square feet of land

OWNER: Brendan J. Smith and Courtney A. Kain

ADDRESS OF OWNER: 22 Kirkstall Road
Newton, MA 02460

TO BE USED FOR: Garage Addition

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.4.E.1 and §7.3.3 to allow a garage with more than 700 square feet of ground-floor area; §1.5.4.G.2.a and §7.3.3 to allow a dormer creating a continual wall plane beyond; §1.5.4.G.2.b and §7.3.3, to allow a dormer exceeding 50 percent of the exterior wall below.

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. Plot Plan, prepared by Essex Eng. and Survey, signed and stamped by Frank Iebba, dated August 27, 2021 Revised November 2, 2021
 - b. Architectural Plans, prepared by Zaff Architecture, signed and stamped by Andrea G. Zaff, dated October 20, 2021, consisting of seven (7) sheets.
2. 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 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. 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/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 professional land surveyor.