



#174-21

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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: June 8, 2021
Land Use Action Date: August 24, 2021
City Council Action Date: September 6, 2021
90-Day Expiration Date: September 6, 2021

DATE: June 4, 2021

TO: City Council

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

SUBJECT: **Petition #174-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story side addition, further increasing the non-conforming FAR at 26 Alba Circle, Ward 5, Waban, on land known as Section 72 Block 23 Lot 38B, containing 13,732 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 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 which may be useful in the special permit decision making process of the City Council. 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 City Council will want to consider in its discussion at a subsequent Working Session.



26 Alba Circle

EXECUTIVE SUMMARY

The subject property located at 26 Alba Circle consists of 13,732 square feet of land, improved with a single-family dwelling constructed in 1950 in the Single Residence 2 zone (the "SR-2 zone"). The site has a nonconforming floor area ratio (the "FAR") of .53, where .34 is the maximum allowed as of right. The petitioner proposes to demolish a portion of the dwelling to construct a one-story addition which increases the nonconforming floor area ratio ("the FAR") from .53 to .57. The addition requires a special permit to increase the nonconforming FAR.

The Planning Department notes that the property is at the end of a cul-de-sac of a dead-end street and the single-story addition would be minimally visible from the street. The addition replaces an existing sunroom, adds approximately 490 square feet to the structure, and decreases the southern side setback from 9.9 feet to eight feet, where 7.5 feet is required. The addition is only one story, is subordinate to the existing structure and complements the unique shape of the house. The project also complies with all other dimensional controls of the SR-2 zone.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The proposed increase in the nonconforming FAR from .53 to .57 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, and §7.8.2.C.2).
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.1.9, and §7.8.2.C.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

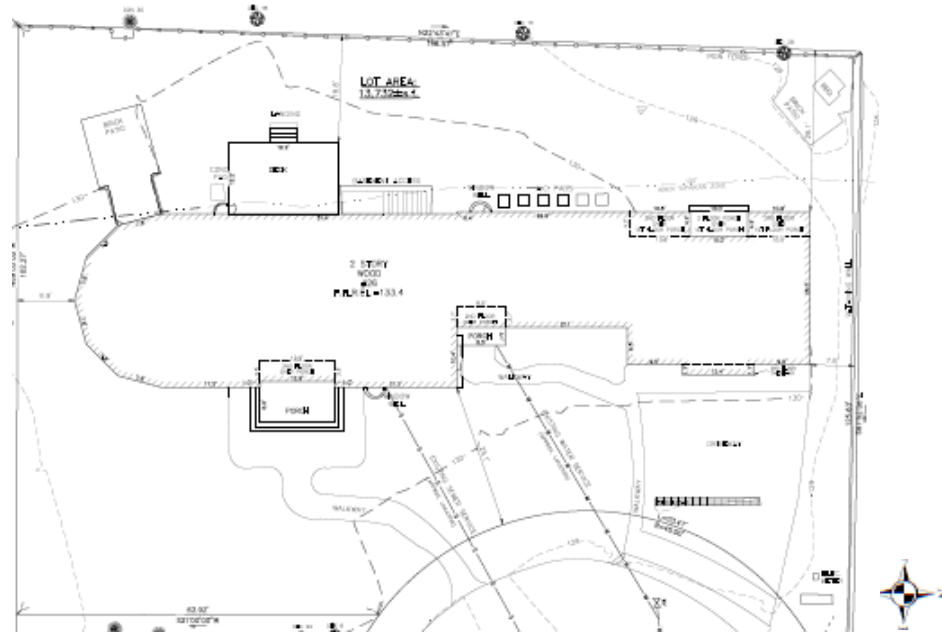
The subject property is located on Alba Circle in the SR-2 zone in Newton Corner. Alba Circle connects to Park Street, where the properties on the western side are zoned SR-2, and the properties on the eastern side are zoned Single Residence 1. (**ATTACHMENT A**). The area consists of single-family uses (**ATTACHMENT B**).

B. Site

The site consists of 13,732 square feet of land and is improved with a single-family dwelling constructed in 1950. The site is at the end of a cul-de-sac and is accessed by one curb cut which provides access to an attached garage at the right property

line.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Site and Building Design

The petitioner is proposing to demolish a sunroom nearest the southern property line to construct a single-story addition. The addition adds 490 square feet and increases the nonconforming FAR from .53 to .57, where .34 is the maximum allowed as of right. The addition reduces the side setback from the southern property line from 9.9 feet to eight feet, where 7.5 feet is required. The structure has a gable peaked roof which the addition will mirror with a gable peak, a parapet, and flat roof behind the parapet to be used as a roof deck.

Proposed Southern Elevation



The Planning Department notes that the property is located on a cul-de-sac and the structure's unique long and narrow configuration is such that the addition would be minimally visible from Alba Circle. The proposed addition replaces an existing sunroom, adds approximately 490 square feet to the structure, and decreases the side setback by approximately two feet. The rear setback will not change. The addition is only one story and is subordinate to the existing structure and complements the unique shape of the house. The project also complies with all other dimensional controls of the SR-2 zone.

C. Parking and Circulation

There are no changes to parking or circulation proposed.

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 (**ATTACHMENT C**) provides an analysis of the proposal regarding zoning. The petitioner is seeking the following relief:

- §3.1.3, §3.1.9 §7.8.2.C.2 of Section 30, to further increase the nonconforming FAR

B. Engineering Review

With the addition at 490 square feet, it is just over the 400 square foot threshold for review. Associate City Engineer John Daghlian issued a memorandum (**ATTACHMENT D**) and recommended the petitioner utilize rain barrels to capture

excess runoff. Siltation control should also be incorporated in the final design at the building permit phase.

C. Newton Historical Commission

The petitioner submitted a 2003 Newton Historical Commission demolition delay review that found the property "Not Historically Significant". The Chief Preservation Planner confirmed that this was sufficient and there is no further review required from the Newton Historical Commission.

V. PETITIONER'S RESPONSIBILITIES

The petition is complete.

ATTACHMENTS:

- ATTACHMENT A:** Land Use Map
- ATTACHMENT B:** Zoning Map
- ATTACHMENT C:** Zoning Review Memorandum
- Attachment D:** Engineering Memorandum
- ATTACHMENT E:** DRAFT Council Order




ATTACHMENT A

Zoning

26 Alba Circle

*City of Newton,
Massachusetts*

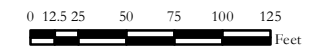
Zoning

-  Single Residence 1
-  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



Map Date: May 21, 2021



ATTACHMENT B





Land Use

26 Alba Circle

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land

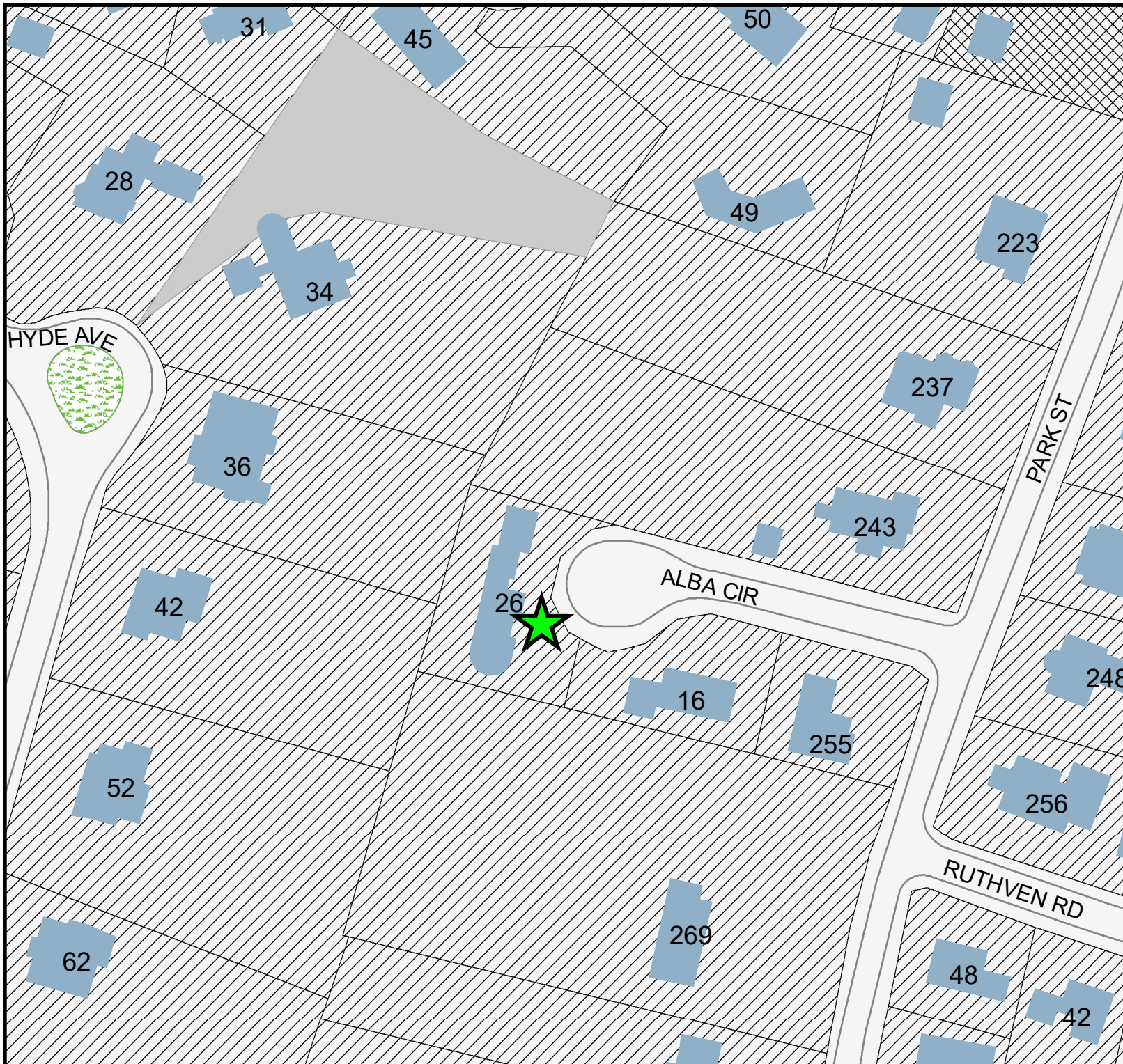


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: May 25, 2021





Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 3, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Scott and Amy Krentzman, Applicants
Stephen J. Buchbinder, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to further increase nonconforming FAR

Applicant: Scott and Amy Krentzman	
Site: 26 Alba Circle	SBL: 72023 0038B
Zoning: SR2	Lot Area: 13,732 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 26 Alba Circle consists of a 13,732 square foot lot improved with a single-family dwelling constructed in 1950, with significant renovations done in 2004. The petitioners propose to construct a single-story addition to the side of the dwelling. The proposed addition will further increase the nonconforming FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, submitted 3/17/2021
- Plan of Land, prepared by VTP, surveyors, dated 3/10/2021
- Architectural plans and elevations, prepared by Chamberlain & Laliberte Design Associates, architect, dated 3/1/2021

ADMINISTRATIVE DETERMINATIONS:

- The petitioners intend to construct one- story side addition. The addition adds 490 square feet resulting in a total of 7,328 square feet. The existing nonconforming FAR is .53, where .34 is the maximum allowed per section 3.1.9. The proposed addition further increases the nonconforming FAR to .57, requiring a special permit pursuant to Sections 3.1.3, 3.1.9 and 7.8.2.C.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	13,732 square feet	No change
Frontage	80 feet	113 feet	No change
Setbacks			
• Front	25 feet	25.1 feet	No change
• Side	7.5 feet	25.4 feet	8 feet
• Side	7.5 feet	7.5 feet	No change
• Rear	15 feet	18.8 feet	No change
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	32.5 feet	No change
FAR	.34	.53	.57
Max Lot Coverage	30%	25.1%	29.3%
Min. Open Space	50%	66.9%	62.7%

- See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3, §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 26 Alba Circle

Date: June 3, 2021

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Neil Cronin, Chief Planner
Michael Gleba, Sr. Planner

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

Topographic Site plan
Showing Proposed Conditions at #26 Alba Circle
Prepared by: VTP Associates
Dated: March 31, 2021

Executive Summary:

The proposed addition's square footage [490 sq.ft.] is just slightly more than the threshold of 400 square feet that requires a stormwater collection system. Based on the slight increase I recommend that a couple of rain barrels be utilized to capture the excess runoff and the collected water be used for watering of plants and the lawn. Some sort of siltation control should be incorporated in the final design for the Building Permit.

General:

1. All tree removal shall comply with the City's Tree Ordinance.

2. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
3. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts Registered Professional Engineer and Registered Professional Land Surveyor. Once the As built plan is received the Engineering Division shall perform a final site inspection and then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*
4. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.

Note: If the plans are updated it is the responsibility of the applicant to provide all City Departments [ISD, Conservation Commission, Planning 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 at 617-796-1023.

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 nonconforming floor area ratio (FAR) from .53 to .57, where .34 is the maximum allowed by right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed increase in the nonconforming FAR from .53 to .57 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 because the addition meets all other dimensional standards of the Single Residence 2 zone (§3.1.9, and §7.8.2.C.2).
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition is subordinate to the house, complements the unique design of the house, and the addition incorporates the gable roof which mirrors the house (§3.1.9, and §7.8.2.C.2).

PETITION NUMBER: #174-21

PETITIONERS: Scott Krenzman and Amy Krentzman

LOCATION: 26 Alba Circle, on land known as Section 72, Block 23, Lot 38B, containing approximately 13,732 square feet of land

OWNER: Scott Krenzman and Amy Krentzman

ADDRESS OF OWNER: 26 Alba Circle
Newton, MA 02458

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

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

ZONING: Single Residence 2

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. Site Plan, prepared by VTP Associates, unsigned and unstamped, dated March 10, 2021
 - b. Architectural Floorplans, prepared by Chamberlain and Laliberte, unsigned and unstamped, dated March 1, 2021, consisting of the following three (3) sheets.
 - i. First Floor, Existing and Proposed, A1
 - ii. Front, South, and Addition Elevations, A2
 - iii. Rear Elevation and Existing North side elevations, A3
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 Inspectional Services and the Department of Planning and Development.
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 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 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.
5. 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 statements by a registered architect certifying compliance with Condition #1, including the as built FAR of the structure.
 - 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.