

Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

---

**PUBLIC HEARING MEMORANDUM**

**DATE:** June 23, 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 #226--23** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct several additions to the dwelling which requires relief for a second attached garage, total garage area, and dimensions of the proposed dormers at **70 Suffolk Road**, Ward 7, Chestnut Hill, on land known as Section 63 Block 16 Lot 07, containing approximately 151,183 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 3.4.4.E.1, 3.4.4.H.1, 1.5.4.G.2.B 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.



**70 Suffolk Road**

## **Project Description**

### **Background**

The subject property at 70 Suffolk Road consists of a 151,183 square foot lot located in a Single Residence 1 (SR1) zoning district and improved with a 10,167 square foot single-family dwelling built in 1928 that includes a nonconforming 792 square-foot attached three-car garage.

The petitioner proposes to construct a pool and pool house, as well as several additions to the dwelling including a second attached garage that would measure 519 square feet and contain space for one car, a dormer measuring 19.5 feet in width on the second and half story, and a rear addition extending from the basement to the second story.

The neighborhood, like the subject property, generally consists of single-family dwellings, with exceptions including a religious institution directly to the north across Suffolk Road and another approximately 400 feet to the east, as well as City-owned parkland abutting to the west and south (the latter across the MBTA right-of-way along the property's southern boundary). The area is uniformly zoned Single Residence 1 (SR1), except for the City-owned, Public Use-zoned parkland to the west and south.

### **Need for Special Permit**

The proposed 519 square-foot attached single-car garage would be the second garage on the site and would result in a total of four garaged parking stalls on the site and a total of 1,311 square feet of garage area, requiring, per Secs. 3.4.4.E.1 and 3.4.4.H.1, a special permit to allow a second attached garage and more than 700 square feet in total garage area on the property.

At 19.5 feet wide, the proposed dormer in the half story on the rear façade would be 56% of the length of the 35.1 foot wall next below. The proposed dormer requires a special permit per Sec. 1.5.4.G.2.b, allowing it to measure more than 50% of the wall below.

The Planning Department notes that the proposed pool and pool house do not require zoning relief.

### **Analysis and Recommendations**

Planning is generally not concerned with the proposed modifications given the size of the property, and notes the additions, dormer, and proposed garage would be located along the rear of the structure and would have limited no or visibility from adjacent public rights-of-way and/or residential properties.

I. ZONING RELIEF REQUESTED:

Zoning Relief Required		
Ordinance		Action Required
§3.4.4.E.1 §3.4.4.H.1	Request to allow a second attached garage and total garage area exceeding 700 square feet	S.P. per §7.3.3
§1.5.4.G.2.b	Request to allow a dormer exceeding 50% of the wall next below	S.P. per §7.3.3

For more details regarding the zoning analysis please refer to **Attachment A**.

II. CRITERIA FOR CONSIDERATION PER §7.3.3. AND/OR §7.8.2.C.2:

When reviewing this request, the Council should consider whether:

1. The specific site is an appropriate location for an expanded single-family dwelling as designed with the proposed second attached garage, garage area in excess of 700 square feet, and a dormer with a width that exceeds 50% of that of the wall next below. (§7.3.3.C.1)
2. The expanded single-family dwelling as designed with the proposed second attached garage, garage area in excess of 700 square feet, and a dormer with a width that exceeds 50% of that of the wall next below as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§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)

III. PROJECT PROPOSAL AND SITE CHARACTERISTICS:

A. Site - Existing Conditions

The subject property consists of a 151,183 square foot lot located on the south side of Suffolk Road near its “T” intersection with Kingsbury Road. It is improved with a 10,167 square foot single-family dwelling that includes a nonconforming 792 square-foot attached three-car garage.

The lot has an approximately 18-foot downward grade change from its highest point

at the dwelling's location near the lot's Suffolk Road frontage at the northern end of the lot to its southern boundary along the adjacent MBTA rail line.

The site is accessed by a circular gravel driveway in the front of the property with two curb cuts on Suffolk Road. Along the right (west) side of the property, a driveway area serves the existing three-car garage on the rear elevation of the dwelling. The remainder of the site features lawn area, vegetation, and considerable wooded areas (with the latter predominant in the back (southern) two-thirds of the site).

#### IV. PROJECT DESCRIPTION AND ANALYSIS:

##### A. Land Use

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

##### B. Site and Building Design

The petitioner proposes to construct several additions to the rear of the dwelling, including a second attached garage that would measure 519 square feet and contain space for one car, a dormer measuring 19.5 feet in width on the second and half story, and a rear addition extending from the basement to the second story.



***Proposed rear elevation with additions indicated***

The proposed modifications would, increase the property's floor area by approx. 1,336 square feet, from 10,167 to 12,870 square feet, which would, in the aggregate, increase the property's floor area ratio (FAR) from 0.07 to 0.09, remaining well below the 0.26 allowed by right.

The dwelling's existing height of approximately 40 feet would not be increased and

the number of floors would remain at 2 1/2 stories.

Regarding the principal structure, there would be no changes to the front and side setbacks while the dwelling's rear setback would be reduced from 491 feet to approximately 450 feet.

As designed, the parcel's lot coverage would be increased from 6.3% to 9.7%, remaining well below the maximum 20% allowed by right. The property's open space would be decreased from 93.7% to 93.7, remaining above the minimum 65% required.

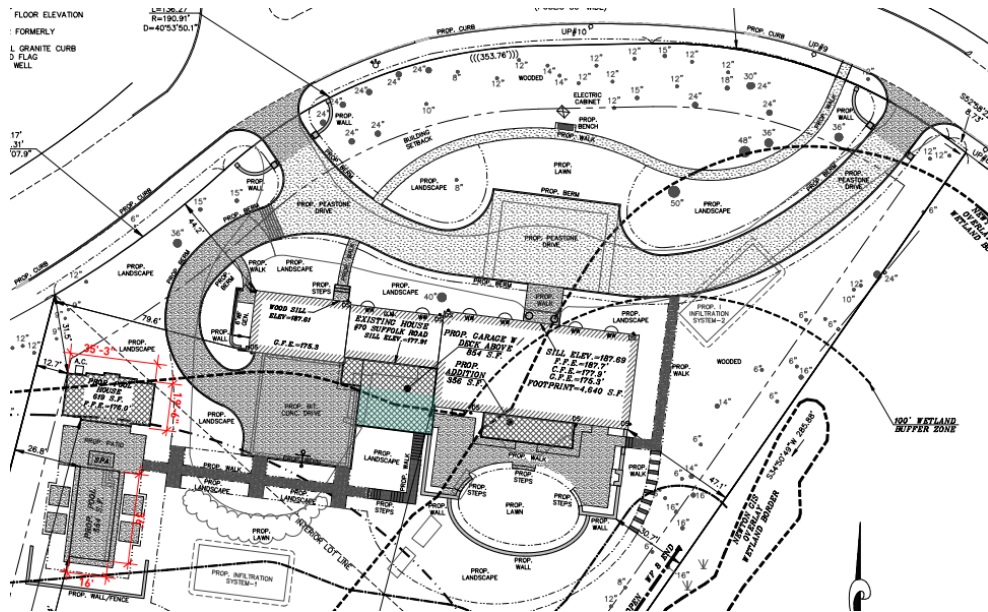
At 19.5 feet wide, the proposed dormer in the top half story on the rear façade would be 56% of the length of the 35.1 foot wall next below, and therefore, requires a special permit per Sec. 1.5.4.G.2.b to allow it to measure more than 50% of the wall below.

Planning notes that the proposed pool house, which does not require zoning relief, would have 1½ stories and measure 17.75 feet in height, about four feet lower than the maximum 22 feet allowed for accessory structures. It would be located 12.7 feet from the right (west) property line, more than the required 5 feet.

C. Parking and Circulation

The petitioner proposes to construct a second attached garage on the rear of the dwelling that would measure 519 square feet and contain space for one car. It would be the second garage on the site and would result in a total of four garage parking stalls on the site and a total of 1,311 square feet of garage area (almost twice the 700 square feet allowed by right).

The circular driveway in the front of the property would be slightly modified (including a widened portion directly in front of the dwelling's front entrance) and surfaced with pea stone. The existing three-car garage and the proposed one-car garage would be served by somewhat modified paved driveway on the right (west) portion of the site. The area directly in front of the garages would be similarly paved.



**Proposed site plan- location of proposed one-car garage indicated**



**Proposed right side elevation with proposed one-car garage indicated**

**D. Landscaping**

A landscape plan was provided with this petition. The Planning Department suggests the petitioner be prepared to discuss the proposed landscaping with some additional

detail than that shown on the submitted plan.

The Planning Department notes that the project was reviewed by the Conservation Commission. An Order of Conditions and Certificate of Understanding was issued on February 10, 2023.

V. INTERDEPARTMENTAL REVIEW:

- **Engineering Review:** Review of this petition by the Engineering Division is not required at this time.
- **Chestnut Hill Historic District Commission:** On February 16, 2023, the Chestnut Hill Historic District Commission granted a Certificate of Appropriateness for the project as submitted.

VI. PETITIONER'S RESPONSIBILITIES:

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** Zoning Review Memorandum  
**Attachment B:** 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: May 8, 2023

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Laurance Lee, Attorney  
Frank van den Bosch, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

RE: **Request to allow two attached garages accommodating four vehicles with more than 700 square feet total and a dormer exceeding width requirements**

Applicant: Frank van den Bosch	
Site: 70 Suffolk Road	SBL: 63016 0007
Zoning: SR1	Lot Area: 151,183 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 70 Suffolk Road consists of a 151,183 square foot lot improved with a single-family residence built in 1928. The petitioner proposes to construct a pool and pool house, as well as several additions to the dwelling including a second attached garage accommodating one vehicle (for a total accommodation of four), dormers on the second and half stories, and a rear addition extending from the basement to the second story. The proposed additions require special permit relief for a second attached garage, total garage area, and dimensions of the proposed dormers.

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

- Zoning Review Application, prepared Laurance Lee, attorney, submitted 3/15/2023
- FAR Worksheet, submitted 3/15/2023
- Existing Conditions Site Plan, prepared by Metrowest Engineering, dated 1/3/2023
- Proposed Conditions Site Plan, prepared by Metrowest Engineering, dated 1/3/2023
- Floor plans and elevations, prepared by Catalano Architects, architect, dated 4/13/2023



**ADMINISTRATIVE DETERMINATIONS:**

1. The dwelling has an existing nonconforming 792 square-foot attached three-car garage. The petitioner intends to construct a second 519 square-foot attached single-car garage, allowing for garage space for four vehicles with a total of 1,311 square feet of garage area. Per sections 3.4.4.E.1 and 3.4.4.H.1 a special permit is required for a second attached garage, and for more than 700 square feet in total garage area.
2. The petitioner proposes to construct a dormer in the half story on the rear façade. The proposed dormer is 19.5 feet wide where the length of the wall next below is 35.1 feet. Per section 1.5.4.G.2.b a dormer may be no wider than 50% of the length of the wall next below unless by special permit. The proposed dormer is 56% of the length of the wall next below, requiring relief.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	151,183 square feet	No change
Frontage	100 feet	354 feet	No change
Setbacks - Principal <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 12.5 feet 12.5 feet 25 feet	44.2 feet 79.6 feet 47.1 feet 491 feet	No change No change No change >450 feet
Setbacks - Accessory <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 5 feet 5 feet 5 feet	N/A N/A N/A N/A	31.5 feet 12.7 feet ±200 feet 451.4 feet
Max Number of Stories <ul style="list-style-type: none"> <li>• Principal</li> <li>• Accessory</li> </ul>	2.5 1.5	2.5 N/A	No change 1.5
Height <ul style="list-style-type: none"> <li>• Principal</li> <li>• Accessory</li> </ul>	36 feet 22 feet	<b>±40 feet</b> N/A	<b>No change</b> 17.75 feet
FAR	.26	.07	.09
Max Lot Coverage	20%	6.3%	9.7%
Min. Open Space	65%	93.7%	90.2%

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.4.E.1 §3.4.4.H.1	Request to allow a second attached garage and total garage area exceeding 700 square feet	S.P. per §7.3.3
§1.5.4.G.2.b	Request to allow a dormer exceeding 50% of the wall next below	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N

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 second attached garage and total garage area exceeding 700 square feet and a dormer width exceeding 50% of the width of the wall next below, 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 an expanded single-family dwelling as designed with the proposed second attached garage, garage area in excess of 700 square feet, and a dormer with a width that exceeds 50% of that of the wall next below. (§7.3.3.C.1)
2. The expanded single-family dwelling as designed with the proposed second attached garage, garage area in excess of 700 square feet, and a dormer with a width that exceeds 50% of that of the wall next below as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§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: #226-23

PETITIONER: Frank and Kyra van den Bosch

LOCATION: 70 Suffolk Road, Ward 7, Chestnut Hill, on land known as Section 63 Block 16 Lot 07, containing approximately 151,183 sq. ft. of land

OWNER: Frank and Kyra van den Bosch

ADDRESS OF OWNER: 70 Suffolk Road  
Newton, MA 02467

TO BE USED FOR: Single-family dwelling

EXPLANATORY NOTES: Special permit as per §7.3.3 to allow a second attached garage and total garage area exceeding 700 square feet (§3.4.4.E.1, §3.4.4.H) and allow a dormer exceeding 50% of the wall next below (§1.5.4.G.2.b)

ZONING: Single Residence 1 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 the following plans:
  - a. A site plan entitled “proposed Site Pan, #70 Suffolk Road in Newton, Mass, Middlesex County,” prepared by Metrowest Engineering, Inc., dated January 23, 2023, as revised through January 26, 2023, signed and stamped by Robert A. Gemma, Professional Land Surveyor and Registered Professional Engineer, on January 30, 2023
  - b. A set of architectural plans entitled “70 Suffolk Road, City of Newton | Special Permit Application,” prepared by Catalano, dated March 8, 2023, consisting of the following sheets:
    - i. Main House: North (Front) Elevation
    - ii. Main House: East & West Elevations
    - iii. Main House: South Elevation
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. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. No certificate of occupancy (temporary or final) 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. Filed with the building permit record statements by a registered architect, professional land surveyor, or professional engineer, certifying compliance with Condition #1, including the as built FAR.
  - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.