



#224-22

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 Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	April 26, 2022
Land Use Action Date:	July 5, 2022
City Council Action Date:	July 18, 2022
90- Day Expiration Date:	July 25, 2022

DATE: April 22, 2022

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Katie Whewell, Senior Planner

SUBJECT: **Petition #224-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second attached one-car garage, further increasing total garage area to more than 700 square feet at 75 Pleasant Street, Ward 6, Newton, on land known as Section 64 Block 30 Lot 11, containing approximately 23,536 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.4.E.1 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.



75 Pleasant Street

EXECUTIVE SUMMARY

The property located at 75 Pleasant Street consists of a 23,536 square foot through lot in the Single Residence 2 ("SR-2") zone in Newton Centre. A two-story, single-family dwelling, is currently under construction and was permitted in January 2022. An attached, two-car garage with 615 square feet was permitted as of right, and the petitioners are seeking to allow a second one-car, attached garage with 270 square feet in garage area. The petitioners require a special permit to allow two attached garages with over 700 square feet of total garage area.

The Planning Department is unconcerned with special permit to allow a total garage area over 700 square feet within two attached garages. The project meets all other dimensional standards of the SR-2 zoning district, and the garages are divided between the two frontages of the site so as not to overwhelm one frontage with excessive garage area.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the two attached garages with more than 700 square feet of total garage area. (§7.3.3.C.1)
- The two attached garages with more than 700 square feet of total garage area will adversely affect the neighborhood. (§7.3.3.C.2)
- The two attached garages with more than 700 square feet of total garage area 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

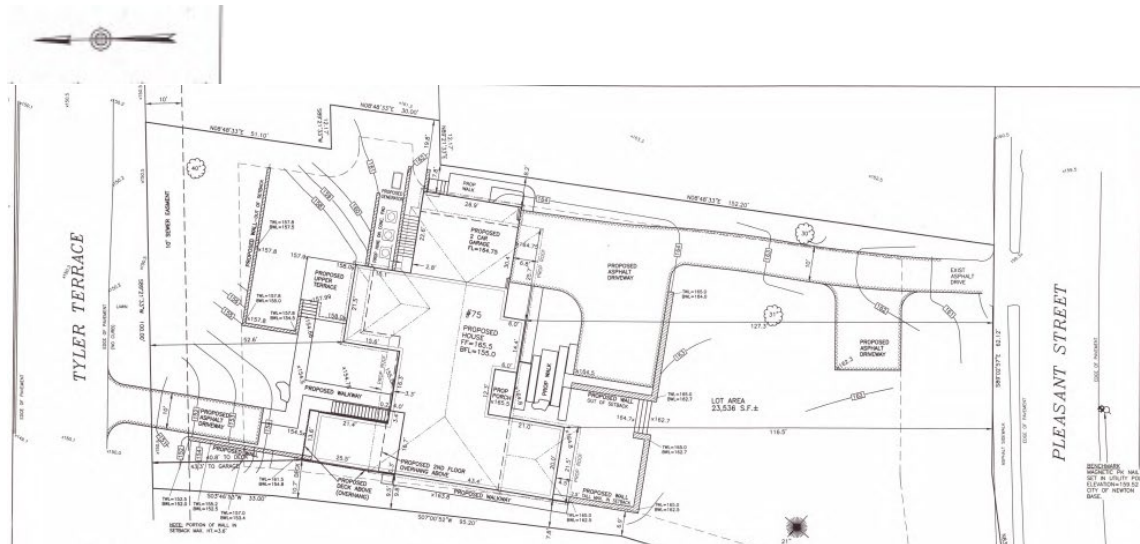
The subject property is located between Pleasant Street and Tyler Terrace in the SR-2 zone in Newton Centre. There is a public use zone to the north, Mason Rice elementary school and Newton Centre playground. Aside from the school and the playground, the surrounding area is also within the SR-2 zone (**Attachment A**). Except for the school and the playground, the surrounding land use of the neighborhood consists of single and two family uses (**Attachment B**).

B. Site

The site consists of 23,536 square feet of land on a through lot with frontage on both Pleasant Street and Tyler Terrace. The site slopes downwards ten feet from Pleasant

Street (north) to Tyler Terrace (south). The petitioner was issued a building permit in January 2022 for a two story, single-family dwelling, which is currently under construction. The permitted single-family home has two front setbacks, 116.5 feet from Pleasant Street 40.8 feet from Tyler Terrace, where 25 feet is required. The permitted single-family home has a proposed FAR of .26, where .33 is the maximum allowed. This translates to 6,214 square feet of floor area, where 7,766.88 square feet is the maximum allowed as of right. Access from the site on the permitted plans is shown as two driveways leading to the dwelling. The driveway from Pleasant Street leads to a two-car attached garage and the driveway from Tyler Terrace leads to the dwelling.

Building Permit Plans - Permitted



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

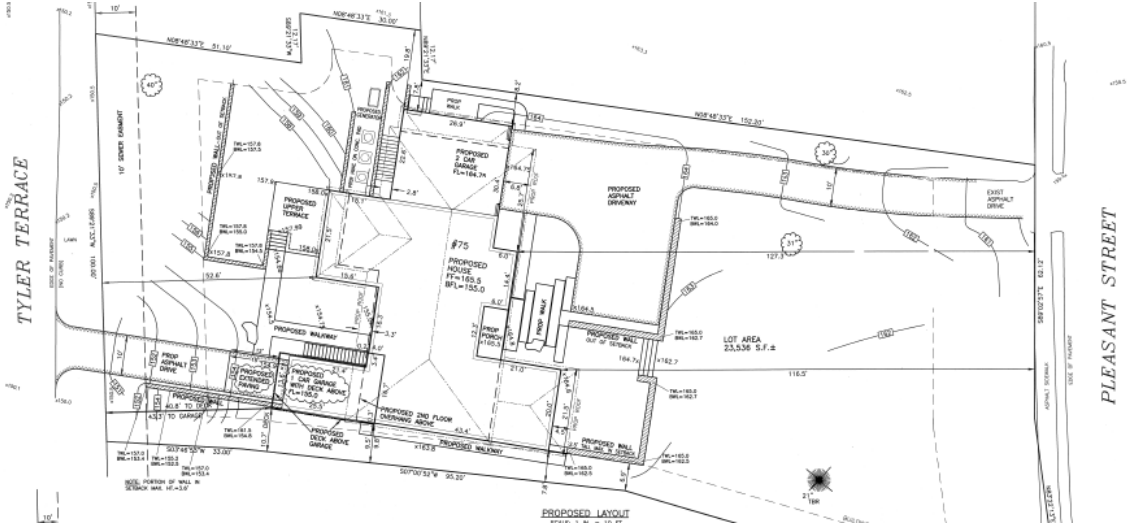
The principal use of the site is and will remain single-family.

B. Building and Site Design

The petitioners are seeking to establish two attached garages with over 700 square feet in total garage area. The attached two car garage with access from Pleasant Street is remaining as permitted with access via 10-foot-wide driveway with a paved asphalt area in the front of the dwelling. The Pleasant Street garage will allow for the parking of two vehicles and total 615 square feet. A second, one car, attached garage is proposed with access from Tyler Terrace via a 10-foot-wide driveway. The Tyler Terrace garage will

allow parking for one vehicle and total 270 square feet. Together, the two attached garages total 885 square feet, 185 square feet above the 700 square feet allowed as of right for one garage. A special permit is required per section 3.4.4 to allow the total garage area of more than 700 square feet and two attached garages.

Proposed Site Plan



Pleasant Street Elevation



Tyler Terrace Elevation



Due to the perimeter of the basement increasing between the permitted plans and special permit plans, the FAR is increasing by 150 square feet, from .26 to .27, below the .33 maximum allowed as of right. This results in a dwelling with 6,361 square feet in floor area, where 7,766.88 square feet is the maximum allowed as of right

The Planning Department is unconcerned with special permit to allow a total garage area over 700 square feet within two attached garages. The project meets all other dimensional standards of the SR-2 zoning district, and the garages are divided between the frontages of the site.

C. Parking and Circulation

The petitioners are proposing to construct a new attached garage with parking for four vehicles. They are maintaining the existing driveway location and configuration.

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:

Zoning Relief Required		
Ordinance		Action Required
§3.4.4.E.1	To allow 885 square feet of total garage area in two attached garages	S.P. per §7.3.3

B. Engineering Review

Review from Engineering is not required at this time.

C. Historic Preservation Review

Review from the Newton Historical Commission is not required at this time.

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

75 Pleasant Street

*City of Newton,
Massachusetts*

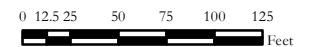
Legend

-  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



Map Date: April 21, 2022



ATTACHMENT B

Land Use

75 Pleasant Street

*City of Newton,
Massachusetts*

Legend

Land Use

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

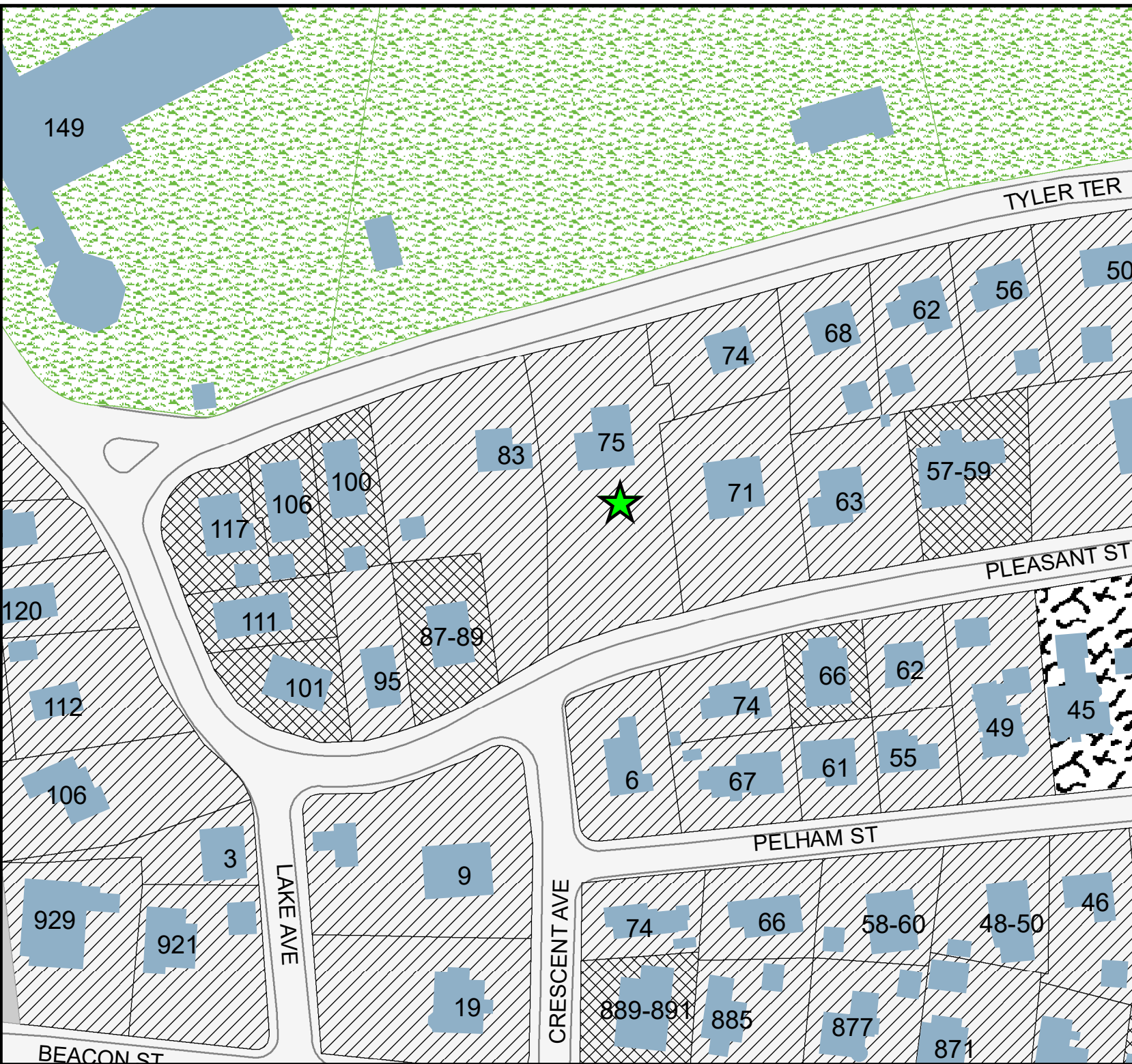


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CITY OF NEWTON, MASSACHUSETTS
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 15, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Franklin Schwarzer, Attorney
Albert Kim and Jennifer Ho, Trustees
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 within two attached garages**

Applicant: Albert Kim & Jennifer Ho	
Site: 75 Pleasant Street	SBL: 64030 0011
Zoning: SR2	Lot Area: 23,536 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 75 Pleasant Street consists of a 23,536 square foot through lot with frontage on Pleasant Street at the front and Tyler Terrace at the rear. The petitioners have begun construction on a new by-right single-family dwelling with an attached two-car garage and a carport. They are seeking a special permit to allow for a second one-car garage in lieu of the by-right carport. A single-family dwelling with two attached garages exceeding 700 square feet in total garage area requires a special permit.

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

- Zoning Review Application, prepared by Franklin Schwarzer, attorney, submitted 1/19/2022
- Plans and elevations, prepared by Flavin Architects, dated 7/21/2021, revised 9/27/2021, 12/3/2021
- Site Plan, signed and stamped by Michael Kosmo, engineer and Bruce Bradford, surveyor, dated 7/19/2021
- FAR calculation, signed and stamped by Howard Elzy Raley, architect, dated 12/3/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to construct two attached garages; one containing 615 square feet accommodating up to two vehicles facing Pleasant Street and a second 270 square foot one-car garage facing Tyler Terrace for a total of 885 square feet of garage space. 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 and no more than one attached garage unless a special permit is granted. Per section 3.4.4.H.1 a special permit is required to allow for more than 700 square feet of total garage area and for two attached garages.

SR2 Zone	Required	Permitted	Proposed
Lot Size	10,000 square feet	23,536 square feet	No change
Frontage	80 feet	112 feet	No change
Setbacks			
• Front (Pleasant St)	25 feet	116.5 feet	No change
• Front (Tyler Tc)	25 feet	40.8 feet	No change
• Side	7.5 feet	7.8 feet	No change
• Side	7.5 feet	7.8 feet	No change
Max Number of Stories	2.5	2	No change
Height	36 feet	29 feet	No change
FAR	.33	.26	.27
Max Lot Coverage	30%	13.7%	No change
Min. Open Space	50%	73%	No change

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.4.E.1	To allow 885 square feet of total garage area in two attached garages	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 two attached garages with more than 700 square feet of total garage area 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 the two attached garages with more than 700 square feet of total garage area because there is only one garage per street frontage. (§7.3.3.C.1)
2. The two attached garages with more than 700 square feet of total garage area will not adversely affect the neighborhood because the project complies with all other dimensional standards of the SR-2 zoning district. (§7.3.3.C.2)
3. The two attached garages with more than 700 square feet of total garage area will not create a nuisance or serious hazard to vehicles or pedestrians because there is only one garage per street frontage. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the driveways are only ten feet wide. (§7.3.3.C.4)

PETITION NUMBER: #224-22

PETITIONER: Albert Kim and Jennifer Ho, Trustees

LOCATION: 75 Pleasant Street, on land known as Section 64, Block 30, Lot 11, containing approximately 23,536 square feet of land

OWNER: Albert Kim and Jennifer Ho Revocable Inter Vivos Trust

ADDRESS OF OWNER: 75 Pleasant Street
Newton, MA 02459

TO BE USED FOR: Single Family Dwelling with two attached garages

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: To allow two attached garages with total garage area of more than 700 square feet (§3.4.4.E.1, §3.4.4.H.1 and §7.3.3)

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. Site Plan showing proposed conditions at 75 Pleasant Street, signed and stamped by Bruce Bradford, Professional Land Surveyor, and Michael S. Kosmo, Professional Engineer dated July 19, 2021
 - b. Architectural Plans, "Segal Residence", prepared by Flavin Architects, dated December 3, 2021, consisting of three (3) sheets:
 - i. Proposed Lower Level Floor Plan, A1.00
 - ii. Exterior Elevations, A2.00
 - iii. Exterior Elevations, A2.01
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.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - 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 petitioner has:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or land surveyor certifying compliance with Condition #1 as well as the as-built floor area ratio 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.

DRAFT