



City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

617-796-1120

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: July 5, 2024

TO: City Council

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

SUBJECT: **Petition #276-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to remove a wall between the two-car garage and workshop to allow for additional garage space exceeding 700 square feet at 102 Gordon Road, Ward 5, Waban, on land known as Section 53 Block 08 Lot 18, containing approximately 16,407 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.4.4.E, 3.4.4.H.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 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.



102 Gordon Road

I. Project Description

Use – single-family dwelling

Zone – Single Residence 2

Lot size – 16,407 square feet

Existing Nonconformities – none

Proposal- The petitioner is seeking to remove an internal wall to make for a larger garage than is allowed by right. The resulting garage would be 1,150 square feet and accommodate four cars.

Analysis

The proposed project consists entirely of internal renovation that will modify work completed through a recent building permit. The building permit plans showed a compliant 700 square foot two-car garage with a 450 square foot workshop attached. The proposal is to remove the wall separating the workshop and the garage, making the resulting space a four-car 1,150 square foot garage. As the changes are internal and the garage is attached and set back of the front façade, the garage will not appear as a large separate structure and the changes will not be noticeable by abutters or neighbors.

II. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.4.E §3.4.4.H.1	Request to allow a garage exceeding 700 square feet and accommodating more than three vehicles	S.P. per §7.3.3

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

III. Criteria for Consideration per §7.8.2.C.2:

- The specific site is an appropriate location for a garage exceeding 700 square feet and accommodating four vehicles (§7.3.3.C.1, §3.1.3, §3.1.9).
- A garage exceeding 700 square feet and accommodating four vehicles as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2, §3.1.3, §3.1.9).
- There will be no nuisance or serious hazard to vehicles or pedestrians created by the garage exceeding 700 square feet of garage space and accommodating four vehicles (§7.3.3.C.3, §3.1.3, §3.1.9).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved

with the garage exceeding 700 square feet and accommodating four vehicles (§7.3.3.C.4, §3.1.3, §3.1.9).

IV. Project Proposal and Site Characteristics

The petitioners are completing a by-right addition under Building Permit 24-92 (<https://newtonma.portal.opengov.com/records/799685>). This addition replaced an existing garage with a 700 square foot garage and added a workshop to the rear of the garage. Additionally, the project added living space, a deck, and a patio to the rear of the existing house. The proposal seeks to remove the dividing wall between the workshop and the garage. Both the work under the existing Building Permit and under the Special Permit will continue to meet all requirements under the Zoning Ordinance except garage area and capacity, including Setbacks, Floor Area Ratio, and Open Space. As the lot is 16,407 square feet, there is ample room on the site for the work being conducted under the current Building Permit and the proposed Special Permit without requiring further relief.

*Existing and Proposed
 Site Plans*



102 GORDON ROAD RESIDENCE



Proposed Elevation

Front/West Elevation



I. Interdepartmental Review

No departmental review is required.

II. Petitioner's Responsibilities

The petition is complete.

ATTACHMENTS:

ATTACHMENT A: Zoning Review Memorandum

ATTACHMENT B: DRAFT Council Order



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Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 17, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Stephanie and Arthur Andersen III, Applicants
Franklin Schwarzer, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow a garage exceeding 700 square feet

Applicant: Stephanie & Arthur Andersen III	
Site: 102 Gordon Road	SBL: 53008 0018
Zoning: SR2	Lot Area: 16,407 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 102 Gordon Road consists of a 16,407 square foot lot improved with a single-family dwelling constructed circa 1933 in the SR2 zoning district. The petitioners were issued a building permit in January 2024 for additions including an attached two-car garage with a workshop space behind it. A special permit is now sought to remove the wall between the garage and workshop to allow for parking for four vehicles in 1,150 square feet.

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

- Zoning Review Application, prepared by Franklin Schwarzer, attorney, submitted 5/1/2024
- Existing and proposed conditions site plan, prepared by MGD, submitted 5/1/2024
- FAR calculations, signed and stamped by Derek Rubinoff, architect, dated 4/30/2024

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners have an existing building permit from January 2024 for the construction of a by-right addition which includes a 700 square foot attached two-car garage with a separate workshop space behind it. They seek to remove the wall separating the garage and workshop, resulting in a 1,150 square foot garage accommodating four vehicles. No exterior changes are proposed. Per sections 3.4.4.E and 3.4.4.H.1 a special permit is required to allow a garage with more than 700 square feet and accommodating more than three vehicles.

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.4.E §3.4.4.H.1	Request to allow a garage exceeding 700 square feet and accommodating more than three vehicles	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 exceeding 700 square feet and accommodating more than three vehicles as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for a garage exceeding 700 square feet and accommodating four vehicles as there are no proposed changes to the use or external structure (§7.3.3.C.1, §3.1.3, §3.1.9).
2. A garage exceeding 700 square feet and accommodating four vehicles as developed will not adversely affect the neighborhood as there will be no additional building area created by this proposal and converts an existing workshop to additional garage area (§7.3.3.C.2, §3.1.3, §3.1.9).
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the site layout and circulation is not changing (§7.3.3.C.3, §3.1.3, §3.1.9).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as the garage exceeding 700 square feet of garage space and accommodating four vehicles will create additional area to access the site (§7.3.3.C.4, §3.1.3, §3.1.9).

PETITION NUMBER: #276-24

PETITIONER: Arthur and Stephanie Andersen

LOCATION: 102 Gordon Road on land known as Section 53 Block 08 Lot 18, containing approximately 16,407 sq. ft. of land

OWNER: Arthur and Stephanie Andersen

ADDRESS OF OWNER: 102 Gordon Road
Newton, MA 02468

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §7.3.3 to allow a garage greater than 700 square feet and accommodating up to four cars (§3.4.4.E.1)

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. Plot Plan prepared by MGD+, submitted May 17, 2024.
 - b. Architectural plans prepared by Derek Rubinoff, Registered Architect dated September 18, 2023 consisting of the following sheets:
 - i. Proposed elevations (showing front and left), A2.01
 - ii. Proposed elevations (showing rear and right), A2.02
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 for the portion of the project for which occupancy is requested and the Petitioner has:
 - a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1.
 - b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.