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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: April 30, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terry Morris, Attorney
Raquel Oliva Alencar, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow a detached garage with a footprint greater than 700 square feet and to allow dormers exceeding allowable width

Applicant: Raquel Oliva Alencar	
Site: 449 Commonwealth Avenue	SBL: 73041 0001
Zoning: SR2	Lot Area: 22,637 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with a detached accessory apartment

BACKGROUND:

The property at 449 Commonwealth Avenue consists of a 22,637 square foot lot improved with a single-family dwelling constructed circa 1929 and a detached garage structure. The petitioner proposes to enlarge the existing detached garage to be used as a two-car garage with an accessory apartment.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, submitted 2/10/2020, revised 4/1/2020
- Architectural plans and elevations, signed and stamped by Derek A. Rubinoff, architect, dated 1/30/2020, revised 4/6/2020, 4/27/2020
- Site Plan, signed and stamped by Bradley J. Simonelli, surveyor, dated 4/20/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct a 1.5 story addition to an existing detached garage structure to allow for a two-car garage with an accessory apartment. Per section 6.7.1.E.7, an accessory apartment in a detached structure deemed to be historically significant by the Newton Historical Commission may be allowed by right. The structure was deemed historic in February 2020, and is more than 15 feet from the abutting residential dwelling, thus no special permit is required.

The proposed apartment is 939 square feet. There is no limitation on the size of an accessory apartment in a historic structure.

2. The existing garage is 629 square feet, and the addition adds 271 square feet to the first level for a total footprint of 900 square feet. Per section 3.4.2.B.1, a garage with a footprint exceeding 700 square feet requires a special permit.
3. Per section 1.5.4.G.2.b a dormer may be no wider than 50% of the length of the exterior wall plane below it. Dormers are proposed on the north and south facing walls. The north-facing dormer is 18.25 feet wide, where 14.3 feet is 50%. The south-facing dormer is 21.2 feet wide where 14.3 feet is 50% of the wall plane below. The proposed dormers both exceed 50% of the wall plane below them requiring a special permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	22,637 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks - Principal <ul style="list-style-type: none"> • Front (Comm Ave) • Front (Grant Ave) • Side • Rear 	25 feet 25 feet 7.5 feet 15 feet	37.5 feet 28.1 feet 23.5 feet 119.8 feet	No change No change No change No change
Setbacks – Accessory Apartment <ul style="list-style-type: none"> • Front (Grant Ave) • Side • Rear 	25 feet 5 feet 5 feet	NA 17 feet 11.8 feet	No change 7.5 feet No change
Max Number of Stories <ul style="list-style-type: none"> • Principal • Accessory 	2.5 1.5	2.5 1	No change 1.5
Height <ul style="list-style-type: none"> • Principal • Accessory 	36 feet 22 feet	NA N/A	No change 20.3 feet
FAR	.33	.18	.22
Max Lot Coverage	30%	11.6%	12.9%
Min. Open Space	50%	79%	76.7%

See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.2.B.1	To allow detached garage with a footprint greater than 700 square feet	S.P. per §7.3.3
§1.5.4.G.2.b	To allow dormers with widths exceeding 50% of the length of the wall plane below	S.P. per §7.3.3