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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 18, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alex Linkov, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to allow a retaining wall exceeding 4 feet in height within a setback

Applicant: Alex Linkov	
Site: 36 Walsh Road	SBL: 84034 0035
Zoning: SR2	Lot Area: 10,048 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 36 Walsh Road consists of a 10,048 square foot lot improved with a single-family residence constructed in 2019. The petitioner constructed a system of retaining walls around the perimeter of the property, with a portion exceeding four feet in height within the front setback, requiring a special permit.

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

- Zoning Review Application, prepared by Alex Linkov, applicant, dated 5/6/2020
- FAR Worksheet, submitted 4/13/2020
- Site Plan, signed and stamped by Richard A. Volkin, engineer, dated 4/28/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner obtained a building permit to construct a single-family dwelling as of right in 2019. During construction, a system of retaining walls, that were not shown on the approved plans, were constructed along the southern boundary. Per section 5.4.2.A when a system of walls is placed within a setback, the height is measured from the foot of the lowest wall to the top of the highest wall. Those sections of the retaining wall system exceeding four feet are within the front setback from Wiswall Road. Per section 5.4.2.B, a special permit is required to allow a retaining wall in excess of four feet in height within a setback.

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.2.B	Request to allow a retaining wall exceeding four feet in height within a setback	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