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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: October 27, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Roman Fayngersh, Applicant  
Terrence P. Morris, Attorney  
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: Roman Fayngersh	
Site: 55 Alexander Road	SBL: 81027 0010
Zoning: SR3	Lot Area: 10,286 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 55 Alexander Road consists of a 10,286 square foot lot improved with a single-family residence nearing completion after razing the original 1939 dwelling. The petitioner seeks to construct a series of retaining walls 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 Terrence P. Morris, attorney, dated 8/11/2020
- Existing Conditions Site Plan, signed and stamped by A. Matthew Belkin Jr., surveyor, dated 3/13/2018
- Proposed Conditions Site Plan, signed and stamped by A. Matthew Belkin Jr., surveyor, dated 7/10/2019
- Rendering of new walls, dated 8/12/2020

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner demolished a stone retaining wall during construction of the new dwelling. The survey indicates that the retaining wall was located in the right of way and not on the subject property. The original retaining wall was five feet in height but predated the requirement for a special permit for a retaining wall in excess of four feet in a setback. The petitioner reconstructed a new wall which is still on City property and with a maximum height of five feet. The petitioner now seeks to construct a second wall approximately three feet behind the location of the original wall, with a maximum height for the wall system of 7.8 feet at the front of the lot. An additional retaining wall system is requested along the driveway as well, reaching a maximum height of 8.1 feet. Per section 5.4.2.B, a special permit is required to allow a system of retaining walls in excess of four feet in height within a setback.

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.2.B	Request to allow a system of retaining walls 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