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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: June 12, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

Cc: Patricia Welbourn, applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

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David A. Olson, CMC
Newton, MA 02459

RE: Request to allow retaining walls greater than four feet in a required side setback

Applicant: Robert and Patricia Welbourn	
Site: 24 Wilde Road	SBL: 55019 0005
Zoning: SR2	Lot Area: 8,446 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling

BACKGROUND:

The property at 24 Wilde Road consists of an 8,446-square foot lot improved with a single-family dwelling. The applicant proposes to demolish the existing dwelling and construct a new single-family dwelling. In order to provide access to a basement garage, the applicant proposes to construct retaining walls greater than four-feet in height within required setbacks.

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

- Architectural plans showing proposed floor plans and elevations, unsigned, unstamped, and undated
- Proposed site plan, signed and stamped by Michael S. Kosmo, Civil Engineer and Bruce Bradford, Surveyor, dated 11/30/11, revised 5/2/12
- Existing site plan, signed and stamped by Bruce Bradford, dated 4/6/11
- FAR Worksheet, signed by Patricia Welbourn, dated 5/30/12
- Average Grade Plane Calculation, per calculations by Everett Brooks, signed by Patricia Welbourn, dated 5/30/12
- Copy of building permit, dated 1926
- Record of action from the Newton Historical Commission to waive the demolition delay at 24 Wilde Road based on the plans submitted, dated 2/23/12

ADMINISTRATIVE DETERMINATIONS:

1. The property is in the SR2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

SR2 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	8,446 square feet	No change
Frontage	80 feet	65 feet	No change
Setbacks			
• Front	25 feet	24.7 feet*	25.7 feet
• Side	7.5 feet	7.8 feet	7.5 feet
• Rear	15 feet	131.1 feet	101.9 feet
FAR	.41	.22	.41
Building Height	36 feet	29.2 feet	29.4 feet
Maximum Stories	2.5	2	2
Max. Lot Coverage	30%	12.0%	20.5%
Min. Open Space	50%	85%	73%

* When the dwelling was constructed, the Zoning Ordinance allowed porches of a certain size to extend into the front setback. The ordinance subsequently changed, making the existing front setback legally nonconforming.

2. Per Section 30-5(b)(4), a special permit is required to construct a retaining wall greater than four-feet in height within a required setback distance. The applicant's site plan shows several retaining walls greater than four-feet in height located within the required side setback distance from the southern property line. To construct these walls as proposed, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-5(b)(4).
3. Section 30-19(d)(1) requires two off-street parking stalls per single-family dwelling. The applicant's plans show two conforming parking stalls, one located in a garage and one located in the driveway outside. The exterior parking stall is located within the front and side setbacks, which is permitted per Section 30-19(g)(1). To locate the parking facility as shown, no additional zoning relief is required.
4. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance	Site	Action Required
§30-5(b) and (b)(4)	Construct retaining walls greater than four-feet in height within a required side setback	S.P. per §30-24