



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 15, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Laurance Lee, Attorney
956 Walnut Street LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow seven single-family attached dwellings in three buildings

Applicant: 956 Walnut Street LLC	
Site: 956 Walnut Street	SBL: 62004 0005
Zoning: MR1	Lot Area: 32,274 square feet
Current use: Single-family dwelling	Proposed use: Seven single-family attached dwellings

BACKGROUND:

The property at 956 Walnut Street consists of 32,274 square feet and is improved with a single-family dwelling built in 1924 in the MR1 zoning district. The property abuts the MWRA Sudbury Aqueduct to the west. The petitioners propose to raze the existing single-family dwelling and construct seven single-family attached dwellings in three separate buildings. Parking for the dwellings will be accessed via an underground driveway.

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

- Zoning Review Application, prepared by Laurance Lee, Attorney, dated 1/29/2019, revised 7/1/2019
- Site Plan of Land, prepared by Everett M. Brooks, surveyor, dated 1/24/2019, revised 6/27/2019
- Site Plan, signed and stamped by Derek Rubinoff, architect, dated 1/23/2019, revised 6/18/2019
- Architectural Plans and Elevations, signed and stamped by Derek Rubinoff, architect, dated 1/23/2019, revised 6/18/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to construct seven attached single-family dwellings within three separate structures in the Multi Residence 1 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR1 district.
2. Section 3.2.4 requires 80 feet of frontage for single-family attached dwellings. The existing lot has 35.5 feet of frontage along Walnut Street. The Commissioner of Inspectional Services has determined that the lot frontage requirement applies where there is a change of use, as is the case in the proposed project. However, section 1.5.2.A states that “the line between land of the Commonwealth used as an aqueduct...and adjoining land shall not be deemed a lot line.” Where the frontage of the lot shares a boundary with aqueduct, and the boundary is not considered a lot line, the Commissioner has determined that the lot has adequate frontage and does not require relief. To the extent that the frontage is deemed insufficient, a special permit is required per section 3.2.4 to waive the frontage requirements.
3. Per section 3.2.4, single-family attached dwellings require a 25-foot setback on all sides. Per section 3.2.4, a special permit may be granted to allow a reduction in the required setback. The petitioner proposes a side setback of 15 feet on the northern side, and 17.5 feet on the southern boundary, requiring a special permit.
4. Section 3.2.4 requires a special permit for an attached single-family dwelling with three stories, where 2.5 stories are allowed by right. Per section 1.5.4.C defines a half story as “a story directly under a sloping roof...”. It has been interpreted by Inspectional Services to be a half story, the level must be completely under a sloping roof which goes to the top plate of the wall next below. The proposed design does not meet with the configuration required by this interpretation, and is therefore determined to be a full story, creating three-story structures. Per section 3.2.4, a special permit is required.
5. Section 3.2.4 requires a maximum lot coverage of 25%. The petitioners propose 26.6% lot coverage, exceeding the maximum allowed, requiring a special permit.
6. The petitioners propose a driveway from Walnut Street that services all buildings. The driveway splits at the frontage and travels along the aqueduct and then also along the property line with 962 Walnut Street where it leads to the ramp for the underground parking. Per section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line. The proposed driveway is within 10 feet of a side lot line, requiring a special permit.
7. Section 5.4.2.B requires a special permit for the placement of a retaining wall within a setback. The petitioner proposes to construct a retaining wall higher than four feet within the side setback at the front corner of Unit 1. As proposed, a special permit is required.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	32,274 square feet	No change
Frontage	80 feet	35.5 feet	No change
Setbacks			
• Front	25 feet	85.6 feet	64.5 feet
• Side	25 feet	17.1 feet	15 feet
• Rear	25 feet	19.4 feet	25 feet
Building Height	36 feet	28.2 feet	35.6 feet
Max Number of Stories	2.5 (3 by special permit)	2.5	3
Lot Coverage	25%	7.9%	26.6%
Open Space	50%	79%	53%
Lot Area Per Unit	4,000 square feet	32,274 square feet	4,611 square feet

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce the frontage requirement	S.P. per §7.3.3
§3.2.4	To reduce the side setback requirement	S.P. per §7.3.3
§3.2.4	To allow three stories	S.P. per §7.3.3
§3.2.4	To exceed maximum lot coverage	S.P. per §7.3.3
§3.2.4 §6.2.3.B.2	To allow a driveway in the side setback	S. P. per §7.3.3
§5.4.2.B	To allow a retaining wall higher than four feet within a setback	S.P. per §7.3.3