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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: July 18, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

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

**RE: Request to allow three single-family attached dwellings**

Applicant: 60 Woodbine Street LLC	
Site: 67 Walnut Street	SBL: 21024 0015
Zoning: MR1	Lot Area: 14,520 square feet
Current use: Single-family dwelling	Proposed use: Three single-family attached dwellings

### BACKGROUND:

The property at 67 Walnut Street consists of 14,520 square feet and is improved with a single-family dwelling built in 1880 in the MR1 zoning district. The petitioner proposes to raze the existing single-family dwelling. The historic structure was deemed preferably preserved by the Newton Historical Commission, but the demolition delay expires in September of 2019. With the expiration of the demolition delay, the petitioner proposes to construct three attached single-family dwellings in one building, each with one private parking garage and one surface parking stall. The property is accessed via a driveway easement on the property to the southeast at 73-79 Walnut Street.

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

- Zoning Review Application, prepared by Laurance Lee, Attorney, dated 6/6/2019
- FAR worksheet, signed and stamped by Richard A. Volkin, engineer, submitted 6/6/2019
- Quitclaim Deed, dated 8/14/2018
- Floor Plans and Elevations, prepared by RAV & Associates, architect, dated 1/2/2019, revised 1/28/2019
- Existing Conditions Site Plan, prepared by Peter Nolan & Associates, dated 9/12/2018
- Proposed Plans, prepared by Peter Nolan & Associates and Spruhan Engineering, dated 3/7/2019
  - Civil Plan
  - Grading Plan
  - Zoning Plan

- Building Height Calculations
- Parking Analysis

**ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioners propose to construct three attached single-family dwellings within a single structure 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 a minimum lot size of 15,000 square feet for an attached single-family dwelling project. The subject lot is 14,520 square feet. A special permit to decrease the 15,000 square foot lot area requirement per section 3.2.3 is required.
3. Section 3.2.4 requires a 25-foot setback for attached dwellings. The petitioners propose an 8 foot side setback on the southern boundary, and a 15 foot setback on the northern. A waiver from the side setbacks of 25 feet are required per section 3.2.4.
4. The petitioner proposes to continue to utilize the driveway easement and access and extend the existing driveway along the northern property line to serve all three units. Per section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line. The shared driveway easement runs along the southern side lot line on the abutting property, and each unit has a driveway leading to a private garage off of the shared drive. The private driveways are all within the side setback, requiring a waiver from section 6.2.3.B.2.
5. Retaining walls are proposed on the northern and southern property boundaries. The walls are located within the required 25-foot setback and are greater than four feet in height. Per section 5.4.2.B, a retaining wall four feet or more in height in the setback requires a special permit.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	14,520 square feet	No change
Frontage	80 feet	83.5 feet	No change
Setbacks			
• Front	25 feet	56.8 feet	25.5 feet
• Side	25 feet	10.2 feet	<b>8 feet</b>
• Rear	25 feet	130.9 feet	110.2 feet
Building Height	36 feet	<b>42.9 feet</b>	33.62 feet
Max Number of Stories	2.5 (3 by special permit)	NA	2.5
Lot Coverage	25%	13.3%	<b>24.7%</b>
Open Space	50%	86.3%	61.4%
Lot Area Per Unit	4,000 square feet	14,520 square feet	4,840 square feet

See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<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 required side setbacks	S.P. per §7.3.3
§3.2.4	To reduce required lot area	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line	S.P. per §7.3.3
§5.4.2.B	To allow retaining walls of four feet or more in height within a setback	S.P. per §7.3.3