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Mayor

**City of Newton, Massachusetts**  
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James Freas  
Acting Director


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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 14, 2015  
Land Use Action Date: May 5, 2015  
Board of Aldermen Action Date: June 15, 2015  
90-Day Expiration Date: July 13, 2015

DATE: April 10, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Daniel Sexton, Senior Planner 

SUBJECT: **Petition #45-15, SARAH IONTA & JOSEPH RIZZO**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow two garages (maintain both an existing detached garage and an existing attached garage) at 31 FARLOW ROAD, Ward 7, on land known as SBL 72, 37, 3, containing approx. 17,416 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15(m)(5)a), 30-8(b)(7) of the City of Newton Rev Zoning Ord., 2012.

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The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



**31 Farlow Road**

## EXECUTIVE SUMMARY

The property at 31 Farlow Road consists of a 17,413 square foot lot, and is improved with a single-family residence constructed in 1915 and a detached garage built in 1920. Per the Zoning Review Memorandum (**ATTACHMENT A**), the detached garage is considered legally nonconforming as the structure has a front setback of 3.1 feet, where 25 feet is the minimum allowed. In 2008, the petitioner obtained a building permit to construct a two-car garage attached to the dwelling with the caveat that the garage use in the detached garage would be abandoned and the structure would be converted to an accessory apartment via a special permit prior to the Inspectional Services Department completing a final inspection of the attached garage (**ATTACHMENT B**). The petitioner has since decided not to create an accessory apartment and would like to maintain the use of the structure as a garage. The petitioner is therefore seeking a special permit to allow two garages on a single property where a single dwelling unit exists.

The Planning Department has no particular concerns with this petition, as the two garages will not be used for commercial purposes and the original garage has existed on the site since the 1920s with no impact on the abutters. The *Newton Comprehensive Plan*, adopted in 2007, encourages residential property owners to consider modest additions to older homes and existing structures in order to allow them to meet the needs of today's families. The Planning Department further notes that the property complies with the floor area ratio, lot coverage and open space requirements of the Newton Zoning Ordinance. For these reasons, the Planning Department finds that by allowing two garages on a single property where a single dwelling unit exists will not adversely impact the surrounding neighborhood.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The site is an appropriate location to allow two garages. (§30-24(d)(1))
- The two garages as developed and operated will not adversely affect the neighborhood. (§30-24(d)(2))

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The site is located on Farlow Road near the intersection of Farlow Road at Beechcroft Road, and also has frontage on Kenrick Street. The subject property is surrounded by parcels containing single--family residents, but is proximate to other parcels with multi-family residential, mixed use, and nonprofit land uses (**ATTACHMENT C**). The site and properties immediately to the north and west are zoned Single Residence 1, while the parcels to the east and south are zoned Single Residence 2 (**ATTACHMENT D**).

B. Site

The subject property consists of approximately 17,413 square feet of land, and is improved with a single-family residence constructed in 1915 and a detached garage built in 1920. The detached garage is considered legally nonconforming as the structure has a front setback of 3.1 feet, where 25 feet is the minimum allowed. In 2008, a valid building permit was issued for the construction of a garage attached to the dwelling with the stipulation that the garage use in the detached garage would be abandoned and the structure would be converted to an accessory apartment via a special permit. The site has vehicular access via a bituminous driveway off of Farlow Road and Kenrick Street. The remaining portions of the property consist of lawn area. The site is partially screened on all side with existing vegetation.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The site will remain a single-family residential use. The petitioner is, however, seeking to allow the use of two garages on the property. As noted above, the petitioner constructed a two-car garage attached to the dwelling with the intent to abandon the existing garage use in the detached garage and create an accessory apartment. The petitioner has since decided that the detached garage is more useful to the household as a garage use rather than an accessory apartment.



**View from Kenrick Street**



**View from Farlow Road**

The Planning Department believes that allowing two garages on a single property where a single dwelling unit exists will not adversely impact the surrounding neighborhood, as long as the garages are not rented or used for commercial activities.

B. Building and Site Design

The petitioner is not proposing to make any changes to the existing dwelling, detached garage, or the existing conditions of the site.

C. Landscape Screening

The petitioner did not submit a landscape plan, as there are no changes to the site proposed. The Planning Department believes the existing vegetation on the site is adequate should this request be approved.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provided an analysis of the proposal with regard to zoning (**Attachment A**). Based on this memorandum, the petitioner is seeking the following relief:

- §30-8(b)(7) and §30-15(m)(5)(a), to allow two garages associated with a single dwelling unit.

B. Engineering Review

The project as proposed does not increase the amount of impervious surface on the site, and therefore no drainage improvements are warranted.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time. Based on the reasons presented above, the Planning Department recommends approval with conditions.

**ATTACHMENTS:**

- ATTACHMENT A:** Zoning Review Memorandum, dated November 25, 2014  
**ATTACHMENT B:** Letter of Intentions, dated December 4, 2008  
**ATTACHMENT C:** Land Use Map  
Attachment D: Zoning Map



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# ATTACHMENT A

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James Freas  
Acting Director

## ZONING REVIEW MEMORANDUM

Date: November 25, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: Sarah Ionta and Joseph Rizzo, Applicants  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to allow for two private garages on a single property**

Applicant: Sarah Ionta & Joseph Rizzo	
Site: 31 Farlow Road	SBL: 72037 0003
Zoning: SR-1	Lot Area: 17,416 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 31 Farlow Road consists of a 17,413 square foot corner lot improved with a single-family colonial-style residence constructed in 1915 and a detached garage built in 1920, which gains access from Kenrick Street. A building permit from 1929 shows the detached garage structure with a garage area, as well as a small studio apartment. The applicants added an attached garage to the dwelling in 2008, and the building permit included a letter of intent to abandon the garage use of the detached garage, with the intent to convert it to an accessory apartment. The applicant now intends to maintain the garage use of the detached structure, as well as the new attached garage. A special permit is required to have more than one garage.

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

- Zoning Review Application, prepared by Sarah Ionta, applicant, submitted 10/23/2014
- As-Built Plot Plan, signed and stamped by Glenn D. Odone Jr., dated 9/23/2014

**ADMINISTRATIVE DETERMINATIONS:**

1. There is an existing detached garage structure on the property which was built in 1920, fronting on Farlow Road, at the rear of the property. The applicants constructed a two-car attached garage in 2008, with the intent to abandon the garage use of the detached structure. The applicants now wish to maintain the garage use of the detached structure. Pursuant to Sections 30-8(b)(7), 30-15(m)(5)a), a special permit is required to allow more than one garage per dwelling unit.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	17,416 square feet	No change
Frontage	100 feet	102 feet	No change
Setbacks - Dwelling <ul style="list-style-type: none"> <li>• Front (Farlow Rd)</li> <li>• Side</li> </ul>	25 feet 12.5 feet	34.8 feet <b>10.7 feet</b>	No change No change
Setback – Detached Garage <ul style="list-style-type: none"> <li>• Front</li> <li>• Side/Rear</li> </ul>	25 feet 5 feet	<b>3.1 feet</b> +/- 28 feet	No change No change
Lot Coverage	20%	17%	No change
Open Space	65%	71%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-8(b)(7) §30-15(m)(5)a)	Request to allow two garages associated with a single dwelling unit	S.P. per §30-24

Letter of Intentions

Newton Building Department  
1000 Commonwealth Ave.  
Newton, MA 02459

December 4, 2008

**RE: Building permit #08070860, 31 Farlow Road, Newton**

As the owner of 31 Farlow Road, I Sarah Rizzo, make the following statement:

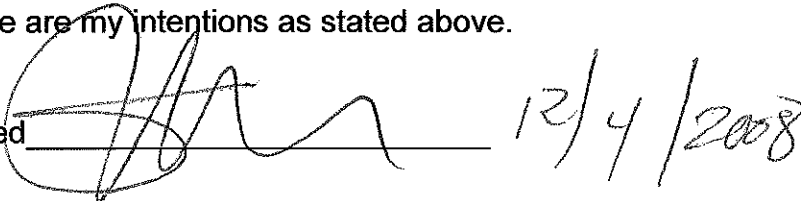
Per your request this morning to our builder, I am writing this letter of intentions so that we may proceed with the framing inspection scheduled today pertinent to building permit #08070860, 31 Farlow Road, Newton MA.

As part of the current building project to our property, we intend to do the following work to our garage on Kenrick St.:

1. We will be permanently discontinuing its use as a garage.
2. We will be filling in the existing garage doors with walls.
3. We will be eliminating the curb cut and apron to Kendrick St.
4. No other work will be done to the building at this time.

These are my intentions as stated above.

Signed

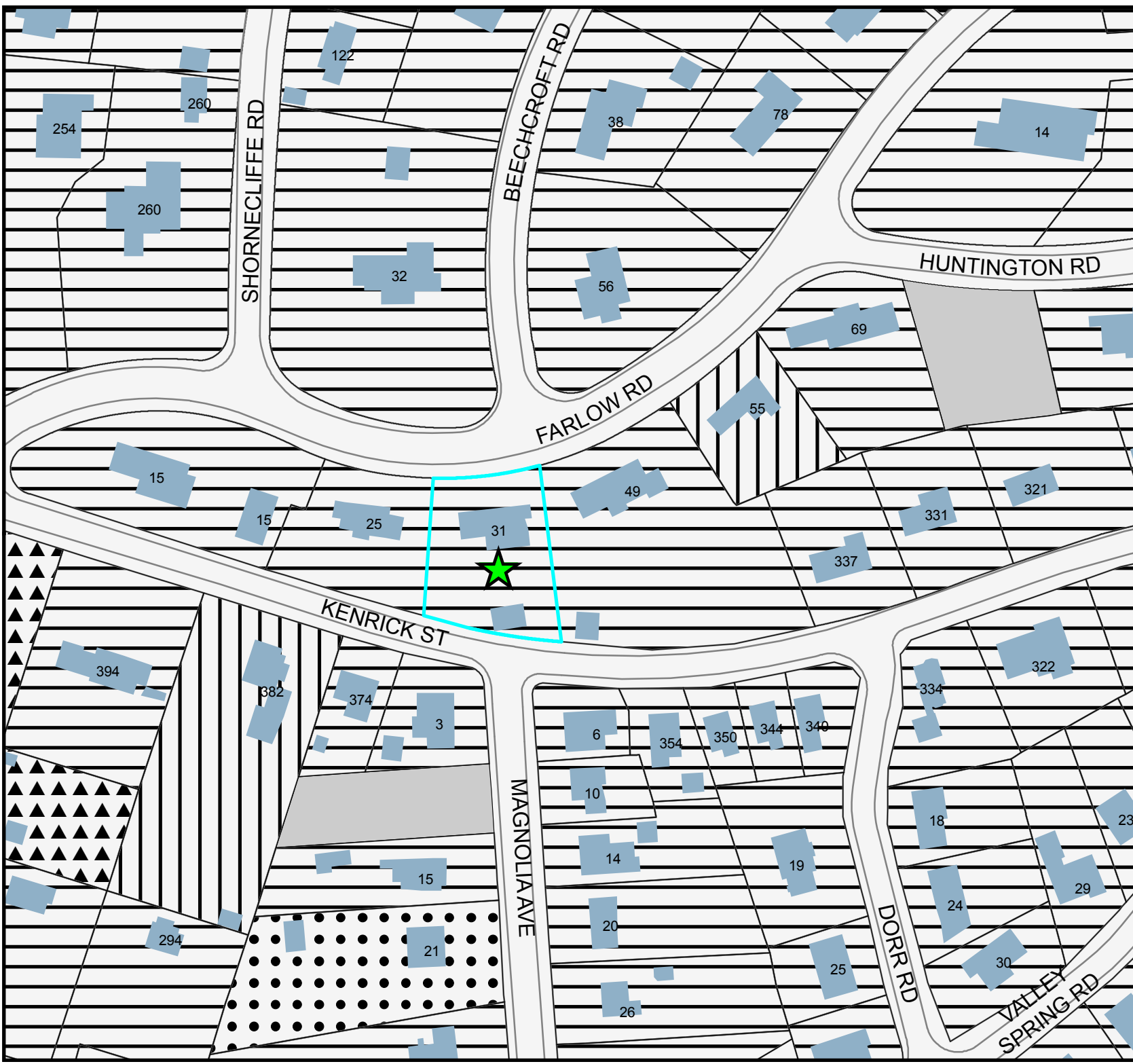


Sarah Rizzo  
31 Farlow Road  
Newton, MA 02458

# Land Use Map Farlow Road

*City of Newton,  
Massachusetts*

**ATTACHMENT C**

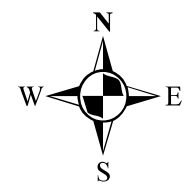


**Legend**

- Building Outlines
- Property Boundaries

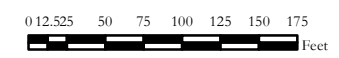
**Land Use**

- Single Family Residential
- Multi-Family Residential
- Mixed Use
- Nonprofit Organizations
- Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

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



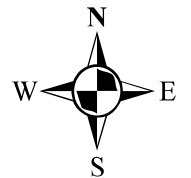
# Zoning Map 31 Farlow Road

*City of Newton,  
Massachusetts*

**ATTACHMENT D**

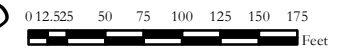
### Legend

-  Single Residence 1
-  Single Residence 2
-  Property Boundaries
-  Building Outlines



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Map Date: April 06, 2015

