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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: December 11, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: David Oliveri, 19-21 Orchard Street LLC, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow for a three-unit multi-family dwelling, a garage in excess of 700 square feet, and various waivers from the parking requirements

Applicant: 19-21 Orchard Street LLC	
Site: 19-21 Orchard Street	SBL: 71016 0001
Zoning: MR2	Lot Area: 12,370 square feet
Current use: Two-family dwelling	Proposed use: Three-unit multi-family dwelling

BACKGROUND:

The property located at 19-21 Orchard Street consists of a 12,370 square foot lot improved with a two-family dwelling constructed circa 1855. The lot is situated at the curve of Orchard Street and the corner of Charlesbank Road, creating three frontages. The petitioner proposes to raze the existing dwelling and construct a three-unit multi-family dwelling.

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

- Zoning Review Application, prepared by David Oliveri, applicant, submitted 10/2/2017
- Existing Conditions Site Plan, prepared by Peter Nolan & Associates, surveyor, dated 6/23/2017
- Site Plan, prepared Olinger Architects, dated 9/25/2017
- Floor Plans, prepared by Olinger Architects, dated 9/25/2017
- Elevations, prepared by Olinger Architects, dated 9/25/2017
- Proposed Plot Plan, prepared by Peter Nolan & Associates, surveyor, dated 11/13/2017

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to raze the existing two-family dwelling and construct a three-unit multi-family dwelling. Per section 3.4.1, a special permit is required to construct a multi-family dwelling in the MR2 zoning district.
2. The petitioner proposes to construct a basement level garage accommodating three vehicles. Section 3.4.2.C.1 requires a special permit to construct a private garage of more than 700 square feet in area. To the extent that the garage is greater than 700 square feet, a special permit is required per section 3.4.2.C.1.
3. Three garage bays are proposed in the basement level of the multi-family dwelling, with one surface stall in front of each bay in the driveway off of Orchard Street. All three stalls are located within the required 25 foot front setback. Per section 5.1.7.A, no parking may be located within the front setback for a multi-family use.
4. Section 5.1.7.C requires that a driveway not exceed a maximum width of 20 feet. The existing driveway onto the property is 20 feet wide, however it does not align with the proposed garage entrance. The petitioner requests a special permit to exceed the 20 foot maximum width to widen the driveway by two feet to accommodate the garage door entrances.
5. To accommodate the basement level parking, two retaining walls are proposed along the driveway off Orchard Street. One of the proposed retaining walls is 4 feet at its highest, and is located within the front setback from Orchard Street. Per section 5.4.2.B, a retaining wall of 4 feet or more within a setback requires a special permit.

MR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	12,370 square feet	No change
Frontage	80 feet	80 feet (Charlesbank Rd) 158 feet (Orchard St)	No change
Setbacks <ul style="list-style-type: none"> • Front (Charlesbank Rd) • Front (Orchard St south) • Front (Orchard St east) • Side • Rear 	17.75 feet* 25 feet 25 feet 7.5 feet 15 feet	>80 feet 19.25 feet ±10 feet 12.4 feet	21.7 feet 25 feet 25 feet 15 feet
Building Height	36	NA	30.9 feet
Stories	3	2.5	3
Lot Area Per Unit	3,000 square feet	6,185 square feet	4,123 square feet
Max Lot Coverage	30%	14%	28%
Min. Open Space	50%	80%	59.7%

Per section 1.5.3.B, no building need be set back more than the average of the setbacks of the buildings on the nearest lot on either side

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	Request to allow a multi-family dwelling	S.P. per §7.3.3
§3.4.2.C.1	Request to allow a private garage exceeding 700 square feet	S.P. per §7.3.3
§5.1.7.A §5.1.13	Request to allow parking in the front setback	S.P. per §7.3.3
§5.1.7. §5.1.13	Request to allow a driveway width in excess of 20 feet	S.P, per §7.3.3
§5.4.2.B	Request to allow a retaining wall greater than 4 feet in a setback	S.P. per §7.3.3