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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: October 23, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Chris Murphy
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to add two parking stalls in the front setback at a two-family residence and to build a retaining wall in excess of 4 feet in the setback and to amend Special Permit BO # 332-90.

Applicant: Chris Murphy and Mary Durr	
Site: 36-38 High Street	SBL: 12021 0028
Zoning: MR1	Lot Area: 3,810 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 36-38 High Street consists of a 3,810 square foot lot improved with a two-family residence constructed in approximately 1890. The property has a single-car driveway on the southwest side of the dwelling, and another car parks in front of the house. The stall in the front yard was allowed by Special Permit BO # 332-90. Any remaining cars park on the street. The applicant proposes to build a retaining wall on the northeast side of the structure to create two parking stalls. These two stalls will be located within the front setback.

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

- Zoning Review Application, prepared by Chris Murphy, submitted 7/31/13
- Proposed Plot Plan, signed and stamped by Christ P. Sparages, Surveyor, dated 7/17/13
- Front and Rear Elevations, signed and stamped by Douglas Haring, Architect, dated 11/30/11
- Retaining Wall details, signed and stamped by Richard Williams, Engineer, dated 7/11/13

ADMINISTRATIVE DETERMINATIONS:

1. Section 30-19(d)(1) requires two parking stalls per each dwelling unit in a single- or two-family structure. At present, the applicant provides only two stalls for both units. The applicant seeks to create two additional parking stalls on the northeast side of the dwelling, which will be located within the front setback. A special permit is required to allow for parking stalls within the front setback per Section 30-19(m).

2. Because of the significant drop in the topography from the front of the property to the rear, a retaining wall will need to be built to accommodate the two new parking stalls. The wall will be 12 feet tall at the highest point. A system of stairs and paths will allow a pedestrian connection to the rear entrance of the house along the backside of the retaining wall. Section 30-5(b)(4) requires a special permit for a retaining wall within the setback in excess of 4 feet.

3. Special Permit BO #332-90 approved the use of a 7’x16’ parking space in the front yard of the property. This stall is within the front setback. The special permit must be amended to allow for the additional parking stalls.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	3,810 square feet	No change
Frontage	70 feet	90 feet	No change
Setbacks for existing structure			
• Front	25 feet	25.2 feet	No change
• Side	7.5 feet	15.5 feet on right 8.4 feet on left	No change No change
• Rear	15 feet	22.7 feet	No change
Max. Lot Coverage	30%	27.6%	27.6%
Open Space	50%	67.7%	56.5%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-19(g)(1) 30-19(m)	Allow more than one parking stall in the front setback	S.P. per §30-24
§30-5(b)(4)	Allow a retaining wall of more than 4 feet in the setback	S.P. per §30-24
	Amend Board Order 332-90	S.P. per §30-24