



#225-17

**City of Newton, Massachusetts**  
Department of Planning and Development  
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Setti D. Warren  
Mayor

Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: September 7, 2017  
Land Use Action Date: November 28, 2017  
City Council Action Date: December 4, 2017  
Expiration Date: December 6, 2017

DATE: September 1, 2017

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Michael Gleba, Senior Planner

SUBJECT: **Petition #225-17**, for SPECIAL PERMIT/SITE PLAN APPROVAL to replace the existing non-conforming detached garage with an expanded, connected garage, continuing the non-conforming front setback of 11.4' where 25' is required at **155 MONADNOCK ROAD**, Ward 7, Chestnut Hill, on land known as Section 61, Block 17, Lot 01, containing approximately 6,642 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3, 7.4, 3.1.4, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. 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 City Council will want to consider in its discussion at a subsequent Working Session.



**155 Monadnock Road**

## EXECUTIVE SUMMARY

The property at 155 Monadnock Road consists of a 29,138 square foot lot in a Single Residence 1 (SR1) district improved with a two-story, approximately 4,120 square foot, single-family dwelling and detached 441 square foot garage, both constructed in 1923, and a sports court constructed in 2004. The property is located at the corners of Monadnock Road, Tudor Road and Beacon Street and therefore has front setbacks on all three thoroughfares.

The petitioner proposes to raze the existing detached garage, which creates the existing front setback nonconformity, and replace it with a 565 square foot garage in the same location that would be connected to the dwelling by an new one-story addition (containing entry/mudroom space), portions of which would be within the property's required front setback. As the proposed work would therefore have the effect of further extending the property's existing nonconforming front setback, along Tudor Road, of 11.4 feet where 25 feet is the minimum allowed, required, a special permit pursuant to Sections 3.1.3 and 7.8.2.C.2 to further extend the already nonconforming front setback is required.

The Planning Department is generally not concerned with the proposal as the square footage of the property would be only slightly increased, the garage and connection addition would be subordinate in scale to the existing dwelling and the existing front setback nonconformity would not be exacerbated. Furthermore, the proposed addition will help preserve an existing dwelling while allowing it to meet the needs of today's families.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the City Council should consider whether:

- The proposed extension of the nonconforming front setback will be substantially more detrimental than the existing nonconforming front setback is to the neighborhood (§3.1.3; §7.8.2.C.2).

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located at the meeting of Monadnock Road, Tudor Road and Beacon Street in a Single Residence 1 (SR1) district. The neighborhood is generally a mix of single-family dwellings, institutional uses (including Boston College to the east along Tudor Road and the Mary Baker Eddy Historic House across Beacon Street) and open space (to the south). The area is primarily zoned SR1, with the exception of the City-owned, Public Use-zoned land to the south. (**Attachments A & B**).

B. Site

The property consists of a 29,138 square foot lot located at the corners of Monadnock Road, Tudor Road and Beacon Street. It is improved with a two-story, single-family, dwelling and detached garage constructed in 1923 and a sports court built in 2004 near the southeastern corner of the lot. The property is accessed via a driveway of varying widths that is served by and connects two curb cuts, one off Monadnock Road, along the northern property line, the other on Tudor Road along the eastern boundary (there is no access from Beacon Street).

The property, which slopes approximately fourteen feet downward from its northern boundary on Monadnock Road to its southern boundary on Beacon Street, is attractively landscaped and features significant vegetation, including mature trees and shrubbery as well as lawn, and is well screened from adjoining public ways and the sole directly abutting property to the west.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain a single-family residence.

B. Building Design

The petitioner proposes to raze the existing 441 square foot detached garage and replace it with a 565 square foot garage (in the same location) that would be connected to the dwelling by a new one-story addition containing mudroom space. As portions of the addition would be within the property's required front setback and would therefore have the effect of further extending the property's existing nonconforming front setback, along Tudor Road, of 11.4 feet where 25 feet is required.

The new attached garage area would be 124 square feet larger than the existing detached garage; the proposed mudroom addition that would connect the garage to the dwelling (and render the new garage an attached garage) would measure approximately 143 square feet. As such, the proposed work, by adding 267 square feet of floor area to the property, would increase its floor area ratio (FAR) only from 0.16 to 0.17, considerably below the 0.26 allowed by right.

While at 15.5 feet in height the proposed peaked-roof garage would be higher than the existing flat-roofed garage, it would remain lower than the 24.2 foot high dwelling. The parcel's lot coverage would increase slightly, from 9.9% to 11.0%, but remain well below the maximum 20% allowed. Correspondingly, the open space on the parcel would decrease slightly, from 76.9% to 76.1%, but remain well above the required 65%.

C. Parking and Circulation

As proposed, the mudroom addition connecting the dwelling and garage would sever the on-site connection between the parcel's two curb cuts. As such, all vehicular access and egress to the property and garage would be via the existing curb cut on Monadnock Road. The proposed site plan indicates the pavement on the property associated with the currently existing Tudor Road curb cut is to be removed, and the Planning Department recommends that that curb cut similarly be removed.

D. Landscape Screening

A landscape plan was not submitted with this petition. The Planning Department suggests that since pavement on the property associated with the Tudor Road curb cut would be removed (as the proposed mudroom area would sever the driveway's connection to that street) the petitioner consider installing additional vegetation, preferably evergreen trees, in that area to provide some additional year-round screening of the proposed addition from the abutting public way.

IV. TECHNICAL REVIEW

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

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

Special permit per §7.3.3:

- to further continue the nonconforming front setback (§3.1.3; §7.8.2.C.2).

B. Engineering Review

No engineering review is required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this project be approved.

C. Newton Historical Commission

On July 12, 2017 Newton Historical Commission staff reviewed the proposed demolition of the existing garage. It was found not historically significant and no further review is required.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Order






# ATTACHMENT A

## Land Use

### 155 Monadnock Rd

*City of Newton,  
Massachusetts*

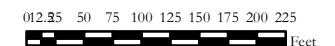
#### Land Use Legend

-  Single Family Residential
-  Mixed Use
-  Open Space
-  Private Educational
-  Vacant Land

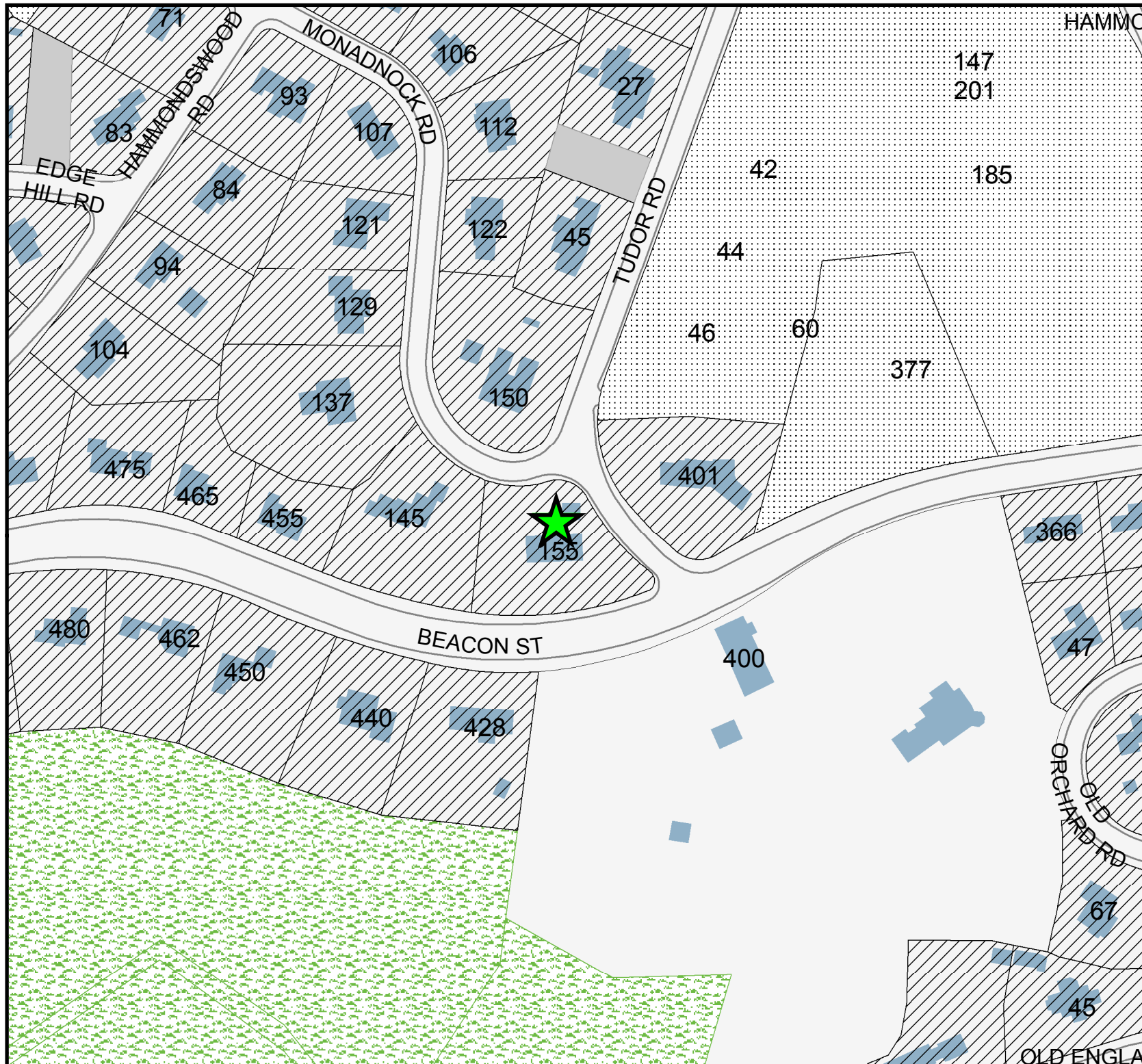


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield



Map Date: August 21, 2017





# ATTACHMENT B

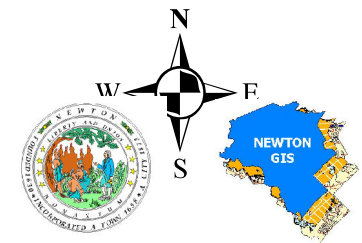
## Zoning

### 155 Monadnock Rd

*City of Newton,  
Massachusetts*

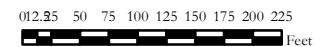
## Legend

-  Single Residence 1
-  Public Use

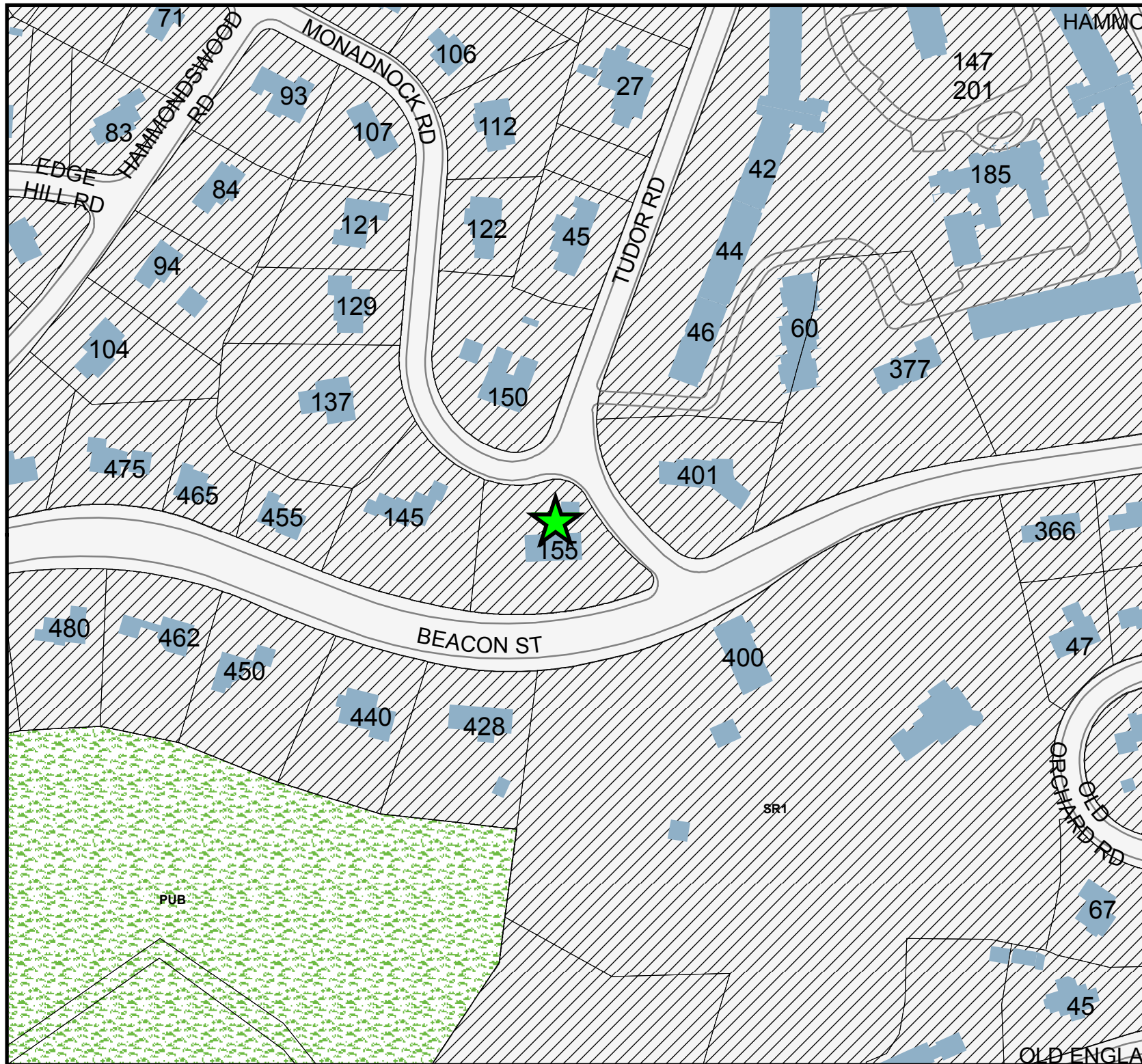


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
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Map Date: August 21, 2017





Setti D. Warren  
Mayor

# ATTACHMENT C

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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: July 10, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Daniel and Alison Jaffe, Applicants  
G. Michael Peirce, Attorney  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to further extend an existing nonconforming front setback**

Applicant: Daniel and Alison Jaffe	
Site: 155 Monadnock Road	SBL: 61017 0001
Zoning: SR-1	Lot Area: 6,642 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 155 Monadnock Road consists of a 29,138 square foot lot improved with a single-family dwelling and detached garage constructed in 1923 and a sports court constructed in 2004. The property is located at the corners of Monadnock Road, Tudor Road and Beacon Street. The applicant proposes to replace the existing garage with an expanded garage connected to the dwelling by a breezeway. The proposed alteration will further extend the existing nonconforming front setback, requiring a special permit.

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

- Zoning Review Application, prepared G. Michael Peirce, attorney, submitted 6/5/2017
- FAR Worksheet, submitted 6/5/2017
- Area Plan Sketch, prepared by Metrowest Engineering, Inc, dated 5/17/2017
- Proposed Plot Plan, prepared by Metrowest Engineering, Inc, dated 5/24/2017
- As-Built Driveway Plan, prepared by Metrowest Engineering, Inc, dated 2/27/2013
- Zoning Review Memo, prepared by Seth Zeren, Chief Zoning Code Official, dated 9/20/2012



**ADMINISTRATIVE DETERMINATIONS:**

- The applicants’ plans show an existing nonconforming detached garage located 11.4 feet from the front property line along Tudor Road. The proposed plans show a new garage that expands the footprint of the existing garage within the front setback but goes no closer to the lot line than the existing 11.4 feet. The applicant proposes to attach the garage to the house by means of a mudroom. While the existing garage is detached, and the proposed garage is attached by the mudroom, the setback requirement is 25 feet regardless, per Section 3.1.3. As the existing detached garage is 11.4 feet from Tudor Road, a special permit to expand the nonconforming front setback is required per Section 7.8.2.C.2.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	29,138 square feet	No change
Frontage	70 feet	82 feet	No change
Setbacks			
• Front (Tudor Rd)	25 feet	<b>11.4 feet*</b>	<b>No change</b>
• Front (Monadnock Rd)	25 feet	60 feet	27.4
• Front (Beacon St)	25 feet	<b>18.5 feet**</b>	<b>No change</b>
• Side	12.5 feet	59.1 feet	No change
Height	36 feet	24.2 feet	No change
Stories	2.5	2	No change
FAR	.26	.16	.17
Max Lot Coverage	20%	9.9%	11%
Min. Open Space	65%	76.9%	76.1%

\*Existing setback for the existing detached garage. The residential dwelling is located 25.4 feet from Tudor Road. The sports court is located 19.1 feet from Tudor Road.

\*\* Existing setback for the sports court. The residential dwelling is located 66.1 feet from Beacon Street.

- See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.4 §7.8.2.C.2	Request to further continue nonconforming front setback	S.P. per §7.3.3

## **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?     Y/N

# ATTACHMENT D

DRAFT #225-17  
155 Monadnock Road

CITY OF NEWTON  
IN CITY COUNCIL

September 12, 2017

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to further continue an existing nonconforming front setback of 11.4 feet where 25 feet is the minimum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed extension of the nonconforming front setback is not substantially more detrimental than the existing nonconforming front setback is to the neighborhood given that the proposed one-story addition is approximately 14 feet in length, would be subordinate in scale to the existing dwelling and would not increase the existing front setback nonconformity (§3.1.3 and §7.8.2.C.2).

PETITION NUMBER: #225-17

PETITIONER: Richard Levey

LOCATION: 155 Monadnock Street, on land known as Section 61, Block 17, Lot 1, containing approximately 29,138 square feet of land

OWNER: Dan and Alison Jaffe

ADDRESS OF OWNER: 155 Monadnock Road  
Newton, MA

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further continue a nonconforming front setback

ZONING: Single Residence 1 (SR1) district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. A site plan entitled "Existing Conditions Plan (155 Monadnock Rd) in Newton, Mass," prepared by Metrowest Engineering, Inc., dated July 26, 2012, signed and stamped by Robert A. Gemma, Professional Land Surveyor, on September 30, 2012;
  - b. A site plan entitled "Proposed Plot Plan in Newton, Mass," Location: 155 Monadnock Road, prepared by Metrowest Engineering, Inc., dated May 24, 2017, signed and stamped by Robert A. Gemma, Professional Land Surveyor, on June 2, 2017;
  - c. Architectural plans entitled "Jaffe Residence, 155 Monadnock Rd., Newton, MA," prepared by Richard B. Levey Architects, dated January 17, 2017, signed and stamped by Peter Richard B. Levey, Registered Architect, consisting of the following sheets:
    - i. Existing Floor Plans, Existing Elevations (A-1);
    - ii. Proposed Floor Plans and Elevations (A-2).
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - a. Recorded a certified copy of this board order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect and land surveyor certifying compliance with Condition #1.
- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by an architect and licensed land surveyor including the as built floor area ratio of the structure.
- c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.