



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
23-14
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: December 18, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Albert Pinkhasov
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to build a retaining wall in excess of 4 feet in the setback

Applicant: Albert Pinkhasov	
Site: 78 Lovett Road	SBL: 82015 0097
Zoning: SR2	Lot Area: 16,004 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 78 Lovett Road consists of a 16,004 square foot lot improved with a single-family residence constructed in 2012, after the original 1965 structure was razed. The property has a significant slope in the rear third of the lot. The applicant built a system of retaining walls for this slope without understanding that a system of walls in excess of four feet total requires a special permit if the walls are located within a setback. The side setback for this district is 15 feet, and the walls are within 18 inches on the left side of the lot, and within three feet on the right. A special permit is required to maintain this wall system.

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

- Zoning Review Application, prepared by Albert Pinkhasov, submitted 7/31/13
- Revised Drainage & Wall Special Permit Plan, signed and stamped by Richard Merrikin, Engineer, dated 12/11/13

ADMINISTRATIVE DETERMINATIONS:

1. Because of the significant slope in the rear of the property, the applicant built a system of walls. Each wall is individually less than four feet in height – they are 3’11”, 3’10” and 3’10” from front to rear wall. Section 30-5(b)(4) requires a special permit for a retaining wall within the setback in excess of 4 feet. The definitions section of the Ordinance states that a “retaining wall” is a “wall or terraced combination of walls”. In total, the terraced combination of walls reaches a maximum height of 9’7” within the side setback.

SR2 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	16,004 square feet	No change
Frontage	100 feet	100 feet	No change
Setbacks for existing retaining wall structure			
• Front	30 feet		180 feet
• Side	15 feet		1.5 feet
• Rear	15 feet		3 feet 20 feet

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-5(b)(4)	Allow a retaining wall of more than 4 feet in the setback	S.P. per §30-24