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Mayor

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Barney Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 5, 2019  
Land Use Action Date: November 12, 2019  
City Council Action Date: November 18, 2019  
90-Day Expiration Date: December 4, 2019

DATE: August 30, 2019

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Katie Whewell, Planning Associate

SUBJECT: **Petition #261-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 484 sq. ft. detached two-car garage and construct a dormer on the new structure greater than 50% of the wall plan below and closer than 3' to the end wall, where one garage exists, creating more than 700 sq. ft. of garage space at 213-215 Langley Road, Ward 6, Newton Centre, on land known as Section 65 Block 19 Lot 39, containing approximately 7,240 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 1.5.4.G.2.b, 1.5.4.G.2.c, 3.4.2.B of the City of Newton Rev Zoning Ord, 2017.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**213-215 Langley Road**

## EXECUTIVE SUMMARY

The property at 213-215 Langley Road consists of a 7,240 square foot lot in a Multi Residence 1 (MR1) district in Newton Centre. The lot is improved with a two-family residence constructed in 1925. The petitioners are proposing to construct a detached two car garage with an oversized dormer. While the garage proposed is only 484 square feet, there is an existing two car garage at the basement level of the dwelling that is approximately 495 square feet. A special permit is required to exceed 700 square feet of garage space on the site. The site's total garage space of approximately 979 square feet and the oversized dormer on the garage requires a special permit.

The proposed detached garage would give the petitioners better circulation of the site as the current attached garage is not easily accessible when there are other cars in the driveway. With the proposed detached garage, it would not be extremely evident that the property has two garages, as the existing attached garage is only visible when viewed from a right elevation. The proposed garage would feature a dormer to the rear of the garage for storage space. The dormer is over 50% of the wall plane below and within three feet of the end wall. While the dormer is large and requires relief from two sections of the ordinance that govern dormers, the dormer is to the rear of the structure, will be well screened by thick vegetation, and will not be visible from the street. The project also meets all other dimensional standards. For these reasons, the Planning Department is unconcerned with the petition to allow more than 700 square feet of garage space and an oversized dormer to the rear of the garage for storage.

### I. ZONING REVIEW

#### Technical Considerations (Chapter 30, Newton Zoning Ordinance):

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

- S.P. per §7.3.3 to allow:
  - To allow a dormer greater than 50% of the wall plane below (§1.5.4.G.2.b)
  - To allow a dormer closer than 3 feet to the end wall (§1.5.4.G.2.c)
  - To allow a private garage with more than 700 square feet (§3.4.2.B)

### II. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the project as designed, with total garage space on site in excess of 700 square feet, and an oversized dormer on the proposed garage (§7.3.3.C.1);
- The project as designed, with total garage space in excess of 700 square feet on site,

- and an oversized dormer on the proposed garage will adversely affect the neighborhood (§7.3.3.C.2);
- The project as designed, with total garage space on site in excess of 700 square feet, and an oversized dormer on the proposed garage, will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
  - Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

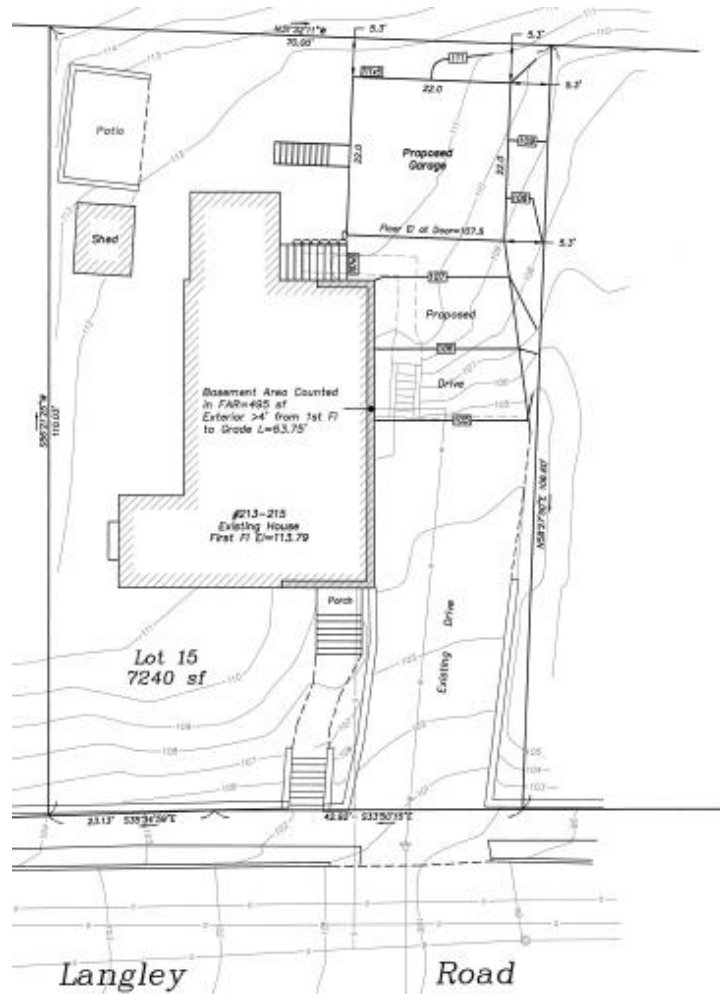
### III. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located on Langley Road in Newton Centre. The site and the western half of Langley Road is zoned MR-1, while the eastern half is zoned Single Residence 2 (**Attachment A**). Abutting the rear of the site is Hebrew College, which is zoned Single Residence 1. The land use of the surrounding neighborhood is mostly multi-family residential with private education and single-family residential uses (**Attachment B**). Few homes on Langley Road have detached garages.

#### B. Site

The subject property is a 7,240 square foot lot improved with a multi-family residence. The site slopes upward from the front to the rear of the lot and is contained with a retaining wall that separates the driveway from principal dwelling. The site features mature landscaping at the rear of the site. The site is accessed by a curb cut located on Langley Road that leads to an existing driveway and basement level garage which consists of 495 square feet. The site currently has nonconforming frontage, 65 feet where 80 feet is required, but meets all other dimensional requirements.



#### IV. PROJECT DESCRIPTION AND ANALYSIS

##### A. Land Use

The principal use of the site will remain a multi-family dwelling.

##### B. Building and Site Design

The petitioners seek to construct a detached two-car garage which would add 484 square feet of garage space and have a height of 20 feet. Within the proposed garage, the proposed space for automobiles will have a height of 10 feet. Above that space, there will be unfinished interior storage space with a height of 6 feet and 6 inches. There is an existing 495 square foot attached two car garage at the basement level of the dwelling. With the proposed garage at 484 square feet, total garage space would be 979 square feet, which exceeds 700 square feet. Thus requiring a special permit for the square footage of both garages.

To create the storage space, the petitioners are proposing a 20 foot dormer on the rear 22 foot long exterior wall of the garage. The dormer would cover 91% of the length of the exterior wall, where 50% is allowed by right. A special permit is required for the dormer as it is more than 50% of the wall plane below and is three feet from the vertical plan of the intersection of the roof and main building end wall. The dormer will be one foot from the end wall on each end, thus requiring a special permit.

The proposed garage would bring the lot coverage to 27.66% from 20.98%, where 30% is the maximum allowed. The proposed garage would conform with the required setbacks for the site. The FAR would increase from .50 to .52, where .53 is the maximum allowed by right. The proposed garage creates both side and rear setbacks for the accessory building of 5.3 feet, where 5 feet is the minimum allowed.

*Elevations*



The attached garage at the basement level of the home is only visible when viewed from a right elevation. The proposed detached garage would give the petitioners better circulation of the site as the current attached garage is not easily accessible if there are other cars in the driveway. The property has recently been converted to condominiums and the proposed design will allow each unit a garage. With the proposed detached garage, it would not be extremely evident that the property has two garages. The proposed garage would feature a dormer on the rear of the garage for storage space. While the dormer is large and requires relief from two sections of the ordinance that govern dormers, the dormer will be well screened by thick vegetation and not visible from the street. For these reasons, the Planning Department is unconcerned with the petition to allow more than 700 square feet of garage space and an oversized dormer to the rear of the garage for storage.

C. Parking and Circulation

The petitioners are proposing an additional two car garage to the site, where there is already an attached two car garage in the basement of the principal dwelling. The additional garage will provide additional circulation to the site since the existing attached garage can easily become inaccessible with the presence of cars in the driveway.

D. Landscaping

A landscape plan is not required with this petition.

V. TECHNICAL REVIEW

A. Engineering Review

Review from the Engineering Division of Public Works is not required at this time. The addition will increase the amount of impervious surface on the lot by more than 400 square feet, requiring the petitioner to provide a drainage analysis to the Engineering Division for review and approval prior to the issuance of a building permit. Staff suggests incorporating the standard condition regarding the Operations and Maintenance (O & M) Plan of the stormwater management system prior to the issuance of a temporary certificate of occupancy, should a drainage system be required, and should this petition be approved.

B. Newton Historic Commission Review

This petition does not meet the minimum threshold for the Newton Historical Commission review.

VI. 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 Council Order




# ATTACHMENT A

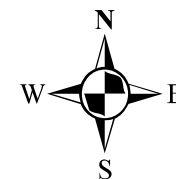
## Zoning

### 213-215 Langley Road

City of Newton,  
Massachusetts

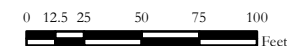
#### Legend

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1

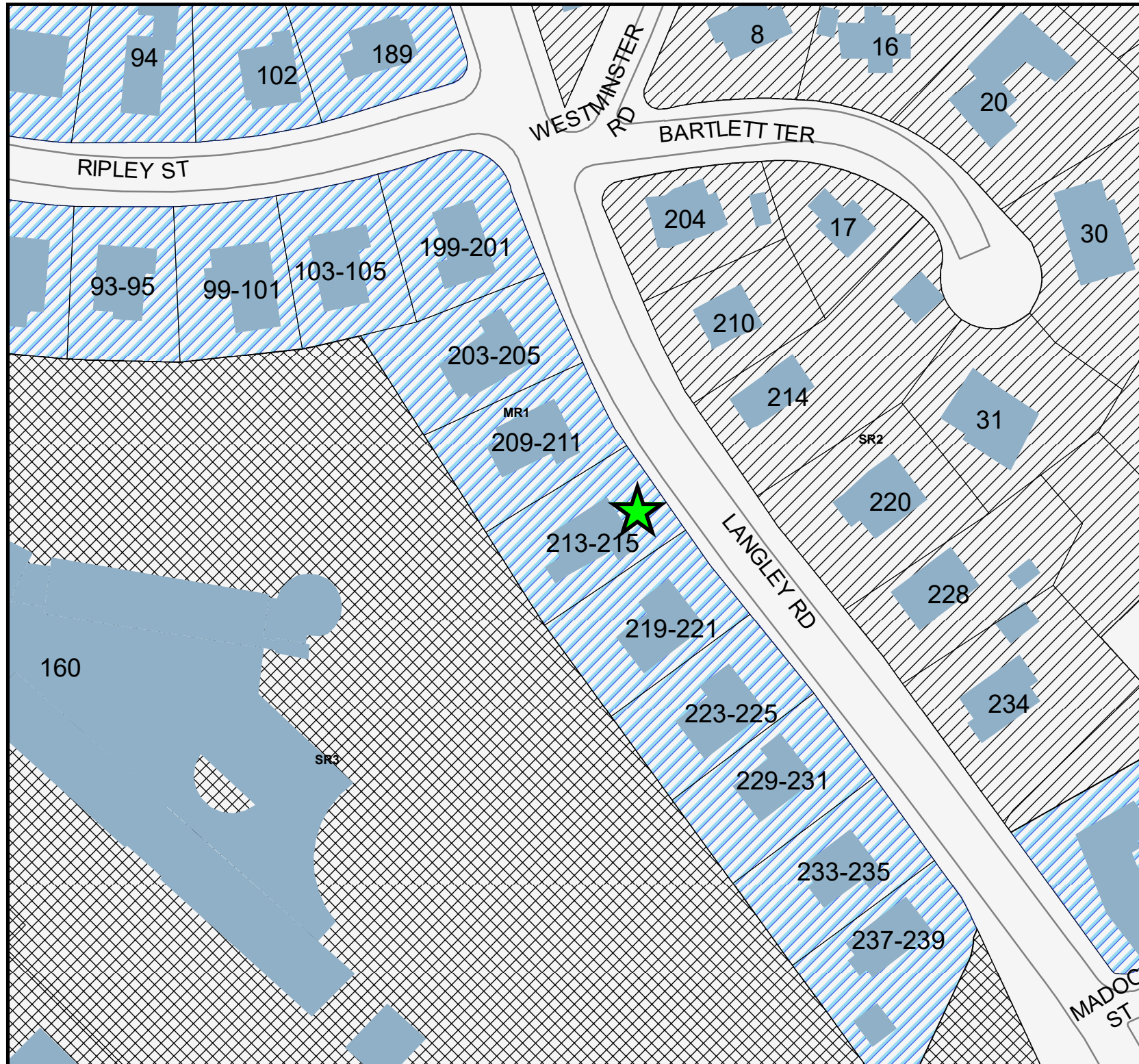


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: August 20, 2019





# ATTACHMENT B

## Land Use






### 213-215 Langley Road

*City of Newton,  
Massachusetts*

#### Legend

##### Land Use

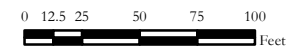
##### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land

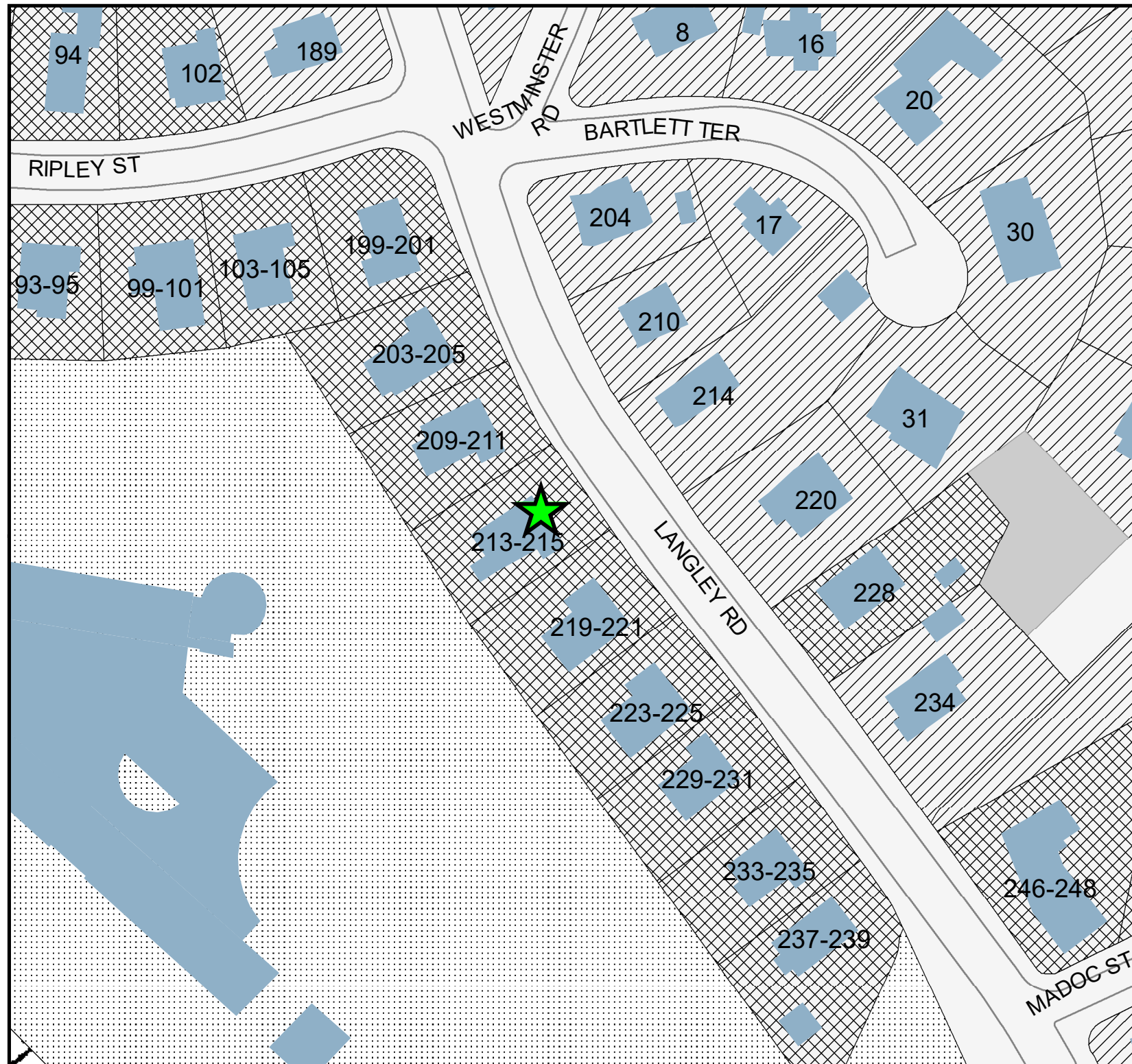


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CITY OF NEWTON, MASSACHUSETTS  
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Map Date: August 20, 2019





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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: July 11, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Bill and Brenda Trask, Applicants  
Jonas Lapp, Baystate Outdoor Personia  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to allow an oversized dormer and to allow a private garage of more than 700 square feet**

Applicant: Bill and Brenda Trask	
Site: 213-215 Langley Road	SBL: 65019 0039
Zoning: MR1	Lot Area: 7,240 square feet
Current use: Two-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 213-215 Langley Road consists of a 7,240 square foot lot improved with a two-family residence constructed in 1925. The petitioners propose to construct a detached two-car garage, requiring a special permit to allow an oversized dormer on the new structure.

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

- Zoning Review Application, prepared Jonas Lapp, agent, dated 5/8/2019
- FAR Worksheet, submitted 5/8/2019
- Proposed Garage Location, signed and stamped by Verne T. Porter, surveyor and Paul J. Tyrell, engineer, dated 3/12/2019
- Architectural plans and elevations, prepared by Baystate Outdoor Personia, dated 4/9/2019, revised 7/11/2019

**ADMINISTRATIVE DETERMINATIONS:**

1. Per section 1.5.4.G.2.b, a dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. The petitioners propose a 20-foot dormer on a 22-foot long exterior wall, which is 91 percent of the length of exterior wall, exceeding the 50 percent allowed. A special permit for the 20-foot dormer is required.
2. Section 1.5.4.G.2.c requires that the vertical plan of the side wall of any dormer may not be closer than 3 feet from the vertical plane of the intersection of the roof and main building end wall nearest the dormer. The petitioners propose a dormer that will be 1 foot from the end wall, requiring a special permit.
3. Section 3.4.2.B requires a special permit for a private garage of more than 700 square feet in area. The Commissioner of Inspectional Services has interpreted this provision to include all garage space in total on a property. There is an existing two-car garage located in the basement level of the dwelling with approximately 495 square feet. The petitioners propose to construct a detached garage with an additional 484 square feet, for a total of approximately 979 square feet of garage space. To allow the proposed total garage space of approximately 979 square feet requires a special permit.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	7,240 square feet	No change
Frontage	80 feet	<b>65 feet</b>	<b>No change</b>
Setbacks - Principal <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 7.5 feet 15 feet	± 25 feet ± 12 feet ± 20 feet	No change No change No change
Setbacks – Accessory <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 5 feet 5 feet	NA NA NA	78.7 feet 5.3 feet 5.3 feet
Max Number of Stories <ul style="list-style-type: none"> <li>• Principal</li> <li>• Accessory</li> </ul>	2.5 1.5	2.5 NA	No change 1
Max Height <ul style="list-style-type: none"> <li>• Principal</li> <li>• Accessory</li> </ul>	36 feet 22 feet	33.99 feet NA	No change 20 feet
FAR	.53	.50	.52
Max Lot Coverage	30%	20.98%	27.66%
Min. Open Space	50%	64.62%	50.49%

1. See “Zoning Relief Summary” below:

## Zoning Relief Required

<i>Ordinance</i>		<i>Action Required</i>
§1.5.4.G.2.b	To allow a dormer greater than 50% of the wall plane below	S.P. per §7.3.3
§1.5.4.G.2.c	To allow a dormer closer than 3 feet to the end wall	S.P. per §7.3.3
§3.4.2.B	To allow a private garage with more than 700 square feet	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an oversized dormer, and garage space exceeding 700 square feet as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the project as designed, with total garage space in excess of 700 square feet on site, and an oversized dormer on the proposed garage because the project meets all other dimensional requirements. (§7.3.3.C.1);
2. The project as designed, with total garage space in excess of 700 square feet on site, and an oversized dormer on the proposed garage will not adversely affect the neighborhood because the site will not appear to have two garages and the dormer on the garaged will be well screened and not visible from the street. (§7.3.3.C.2);
3. The project as designed, with total garage space in excess of 700 square feet on site, and an oversized dormer on the proposed garage, will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4).

PETITION NUMBER: #261-19

PETITIONER: Bill Trask and Brenda Marsh

LOCATION: 213-215 Langley Road., Section 65, Block 19, Lot 39, containing approximately 7,240 square feet of land

OWNER: Bill Trask and Brenda Marsh

ADDRESS OF OWNER: 213-215 Langley Road  
Newton, MA 02459

TO BE USED FOR: Multi-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to allow:

- To allow a dormer greater than 50% of the wall plane below (§1.5.4.G.2.b)
- To allow a dormer closer than 3 feet to the end wall (§1.5.4.G.2.c)
- To allow a private garage with more than 700 square feet (§3.4.2.B)

ZONING: Multi Residence 1 (MR1) 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 the following plans:
  - i. A plan entitled “213-215 Langley Road” prepared by Verne T. Porter Jr., PLS Land Surveyors and Engineers, dated March 12, 2018, signed and stamped by Verne T. Porter Jr. Professional Land Surveyor, and Paul J. Tyrell, Professional Engineer
  - ii. A set of architectural plans entitled “Bill Trask, Brenda Marsh Garage,” prepared by Baystate Outdoor and Persnia, dated April 9, 2019, unsigned and unstamped, consisting of the following sheets:
    - a. 3D Elevations P-1
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for storm water management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
3. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - b. Recorded a certified copy of this order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
  - c. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

- d. 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.
  - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
2. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
  - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
  - c. 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 a licensed land surveyor.