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Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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**#221-22**

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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 12, 2022  
Land Use Action Date: June 28, 2022  
City Council Action Date: July 4, 2022  
90- Day Expiration Date: July 11, 2022

DATE: April 8, 2022

TO: City Council

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

SUBJECT: **Petition #221-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new garage greater than 700 sq. ft. with accommodation for more than three vehicles, and to waive end stall maneuvering space at **244 Dudley Road**, Ward 8, Newton, on land known as Section 82 Block 04 Lot 22, Ward 8, containing approximately 267,786 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.4.E.1, 3.4.4.H.1, 5.1.8.B.5, 5.1.13 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.



## EXECUTIVE SUMMARY

The property at 244 Dudley Road consists of a 267,786 square foot lot within a Single Residence 1 (SR1) improved with a 6,619 square foot single-family dwelling residence built in 1939, and an 857 square foot detached garage, as well as a shed, a pool and related cabana structure. In 2018 the Petitioner was granted a special permit to replace the existing detached garage with an approximately 9,800 square foot, two story, ten-car garage. That special permit has not been exercised.

The petitioner now proposes to demolish the existing detached garage and construct a 12,406 square foot two-story addition- connected to the dwelling by a breezeway- consisting of ground level garage space with accommodations for 15 vehicles and loft space above. The ground floor area of the addition to be used as garage space would measure 6,203 square feet.

A special permit is required for a garage with provision for more than three cars or with more than 700 square feet in area per Sections 3.4.4.E.1 and 3.4.4.H.1 of the Newton Zoning Ordinance (NZO). Also, two end stalls at the “back” of the garage do not have the maneuvering space of five feet in depth and nine feet in width required by Sec. 5.1.8.B.5, thus requiring a special permit per Sec. 5.1.13.

The Planning Department is generally not concerned with the proposed garage given that the location, topography, and scale of the site are such that the structure will not be visible from residences or public ways. The Planning Department does, however, suggest that the petitioner consider additional screening along the southeast property line to further screen the project from the adjacent Kennard Conservation Area.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

The proposed allow a garage accommodating more than three vehicles and with more than 700 square feet of ground floor area (§3.4.4.E.1, §3.4.4.H.1 )

Request to waive end stall maneuvering space requirement (§5.1.8.B.5, §5.1.13)

- The site in a Single Residence 1 (SR1) zoning district is an appropriate location for the proposed garage as designed with provision for more than fifteen cars and exceeding 700 square feet (§7.3.3.C.1);
- The proposed garage as designed with provision for more than fifteen cars and exceeding 700 square feet as developed and operated will adversely affect the neighborhood (§7.3.3.C.2);
- There will be no 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).
- Literal compliance with the requirement that parking stalls have maneuvering space of five feet in depth and nine feet in width is impracticable for two stalls in the proposed garage due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of

safety, or protection of environmental features (§5.1.13)

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

Originally part of a much larger parcel, the subject property is landlocked by Kennard Park and the Kennard Conservation Area. It is bounded to the northeast by the Newton-Brookline line, and the Town of Brookline's Lost Pond Reservation and Conservation areas abut the site along that line.

The site's single-family use is consistent with the surrounding neighborhood beyond those open space parcels (**Attachment A**). These single-family uses are consistent with Single Residence 1 (SR1), Single Residence 2 (SR2) and Single Residence 3 (SR3) districts located to the west, southwest and east, respectively (**Attachment B**).

### B. Site

The subject property consists of a largely wooded 267,786 square foot lot improved with a single-family residence built in 1939 and a detached garage. Not visible from a public way, the parcel is accessed from Dudley Street via an easement across the Kennard Park property and asphalt driveways on the property that serve the dwelling and garage.

The property also features a large paved area served by a 15 ft. wide driveway off the main access drive, as well a shed, pool and related cabana structure to the rear of the dwelling. The lot slopes upward approximately 40 feet from the south to north, with the dwelling and other improvements located generally in the lower, southern portion of the parcel.

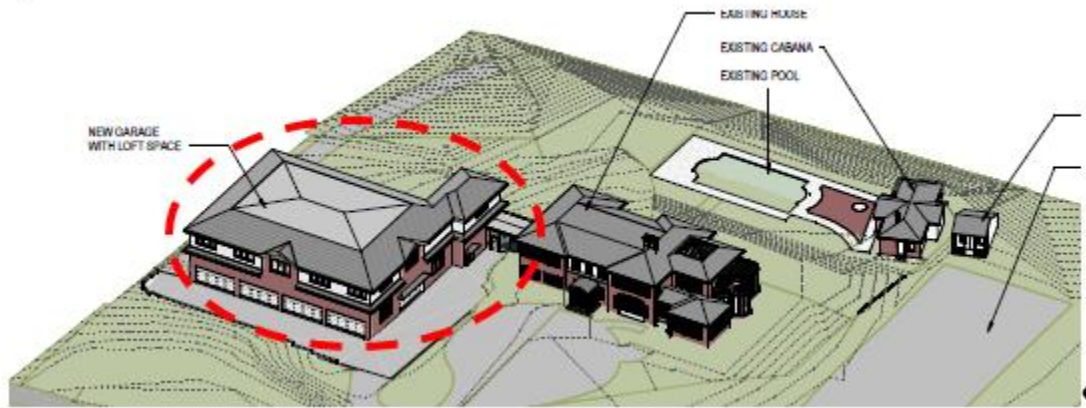
## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

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

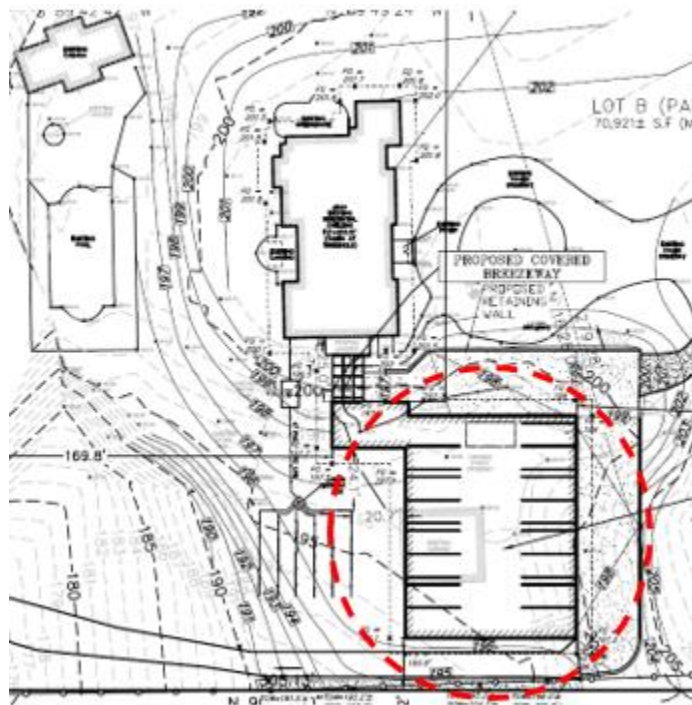
### B. Building and Site Design

The petitioner proposes to demolish the existing detached garage and construct a 12,406 square foot two-story addition, connected to the southeast façade of the existing dwelling by a breezeway, consisting of 6,203 square feet of ground level garage space with accommodations for 15 vehicles and a similar sized loft space above. A bathroom and mechanical room would also be located on the ground floor.



***Perspective view (garage addition location indicated)***

A paved apron area would be constructed along the garage's northeast and northwest sides, to provide access to the garage's five approximately 20-foot-wide vehicle access doors, four located on the former side, one on the latter.



***Partial site plan (garage location indicated)***

As the existing detached 857 square foot garage would be removed, the resulting net increase of floor area on the property would be 11,887 square feet, resulting in a proposed floor area ratio of (FAR) of 0.07 which, while higher than the existing 0.03, would be significantly lower than the 0.26 allowed.

There would be no change to the landlocked parcel's existing front setback. As the garage

structure would be attached to the dwelling, the side setback along the property's southeast boundary would decrease from more than 100 to 20.2 feet (the existing garage to be demolished is located approximately 42 feet from that property line).

The parcel's resulting lot coverage would be 4.5%, remaining significantly below the maximum 20% allowed. The open space on the parcel would measure 85.3%, well above the required 65%.

C. Parking and Circulation

As discussed above, the petitioners are proposing to demolish the existing garage and provide 15 vehicle spaces on the ground floor of the proposed garage, all accessed via a paved apron area along the garage's northeast and northwest sides, that would connect to the property's existing driveway. The garage would have five approximately 20-foot-wide access doors, four located on the former side, one on the latter.

The area of the ground floor to be used for parking would measure approximately 6,203 square feet, considerably more than the 700 square feet allowed by right, but similar to that approved with the previously granted special permit.

Two of the 15 proposed stalls do not have the required maneuvering space of five feet in depth and nine feet in width between them and the "rear" wall of the garage by Sec. 5.1.8.B.5. As the garage will not be open to the public but rather used only by the residents of the property who could be expected to be familiar with the condition, the Planning Department is generally not concerned with the requested waiver.

D. Landscaping

A landscaping plan was not submitted with this petition.

The subject property is currently well-screened from the adjacent similarly wooded open parcels. The Planning Department suggests that the petitioner consider screening along the southeast property line to screen the project from the adjacent Kennard Conservation Area.

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 completed Zoning Review Memorandum, the petitioner is seeking the following relief:

➤ Special Permit per §7.3.3 to:

- allow a garage accommodating more than three vehicles and with more than 700 square feet of ground floor area (§3.4.4.E.1, §3.4.4.H.1)
- Request to waive end stall maneuvering space requirement (§5.1.8.B.5, §5.1.13)

B. Engineering Review

In the event a special permit is granted the project will be reviewed by the Engineering

Division in advance of the issuance of a building permit.

C. Historic Review

On August 18, 2018, Newton Historic Commission staff found the garage to be demolished not historically significant, waiving the demolition delay and requiring no further review.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

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

# ATTACHMENT A






## Land Use

### 244 Dudley Rd.

*City of Newton,  
Massachusetts*

### Land Use

#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Open Space
-  Vacant Land

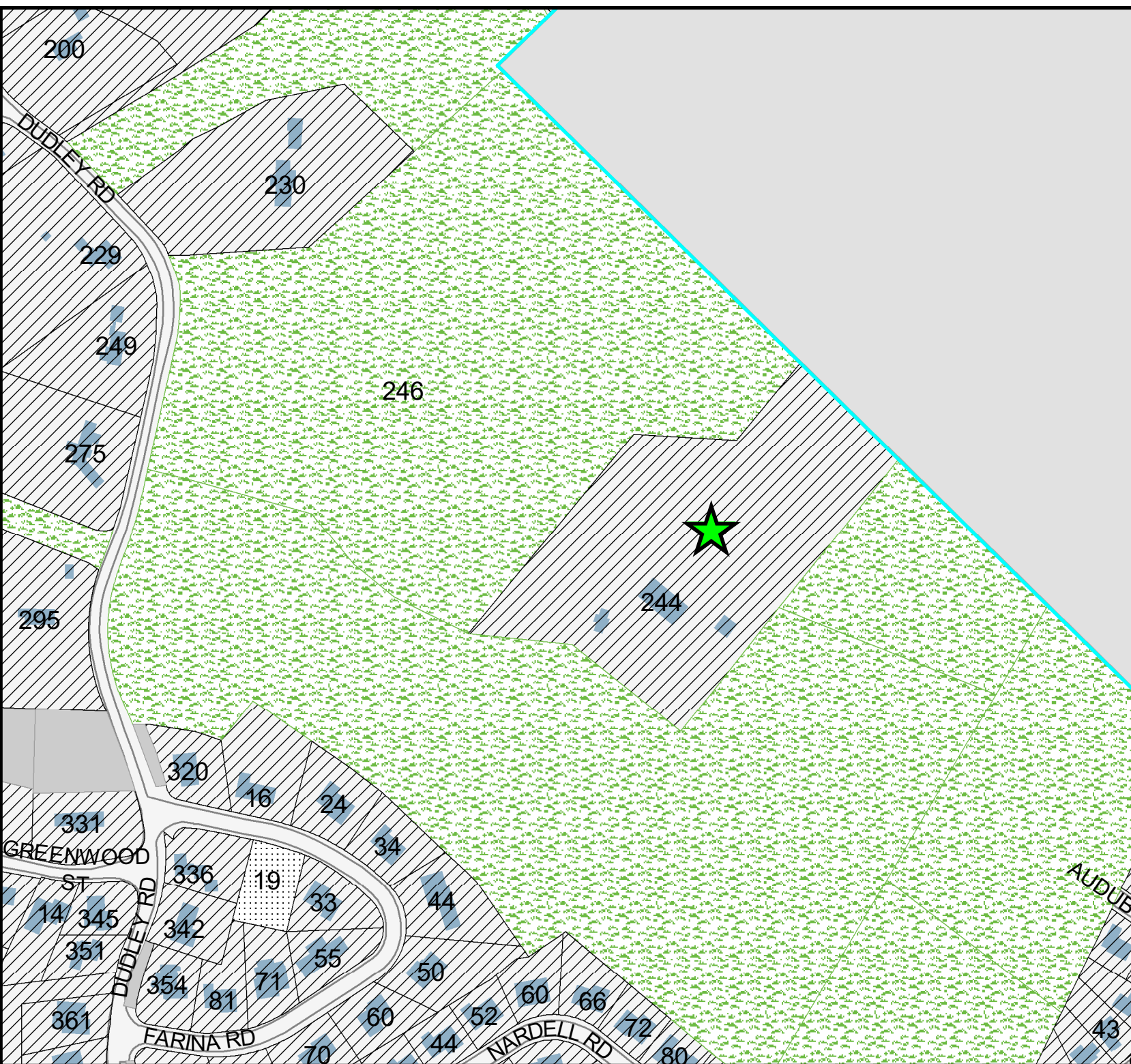


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 25 50 75 100 (1:25,000) 0 25 50 75 100 (1:25,000) Feet

Map Date: April 04, 2022

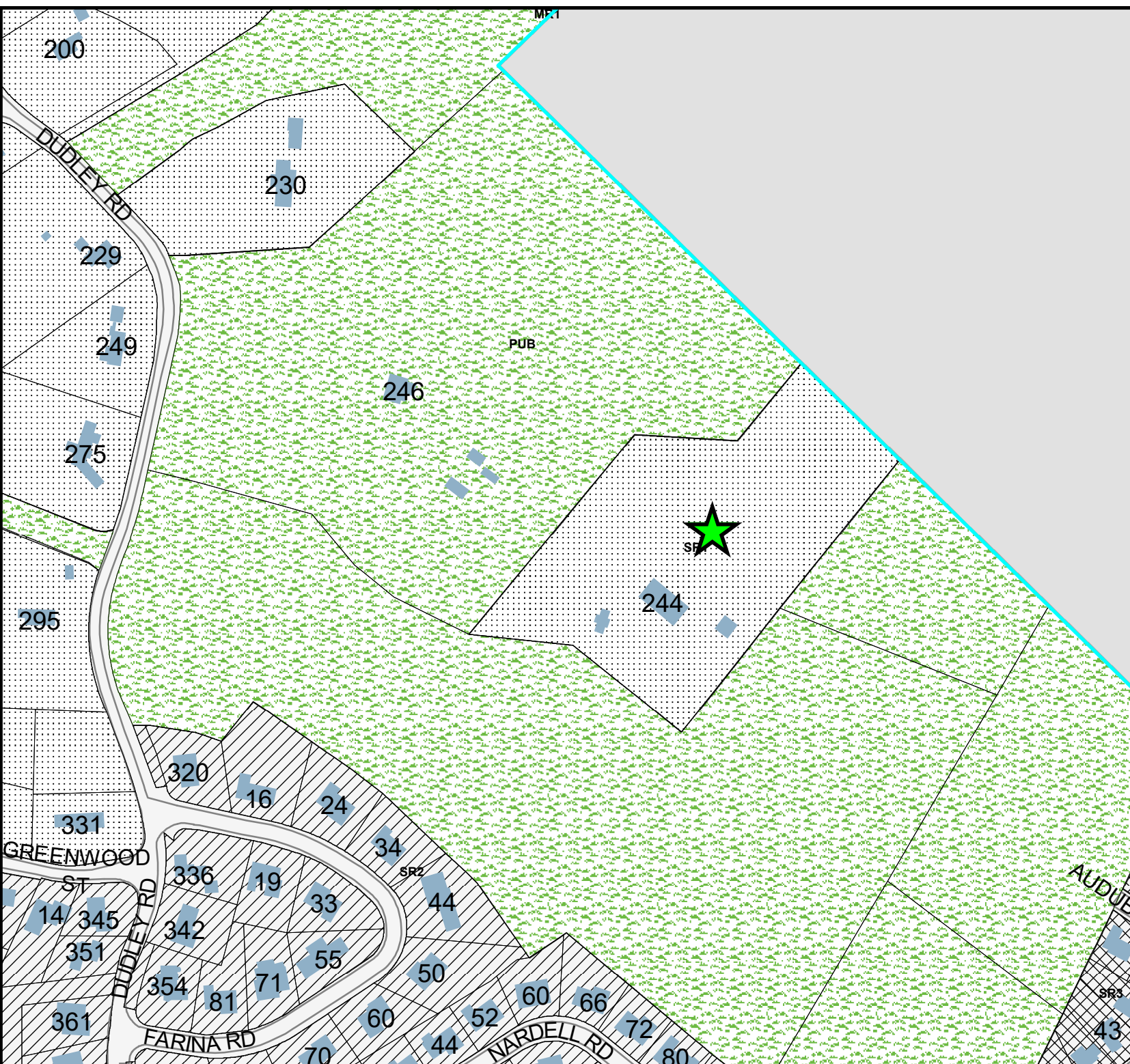


# ATTACHMENT B

## Zoning

244 Dudley Rd.

*City of Newton,  
Massachusetts*



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

0 25 50 75 100 125 150 175 200 225 250 275 300 Feet

Map Date: April 04, 2022





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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: March 8, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: Laurance Lee, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

**RE: Request to allow a garage with more than 700 square feet and accommodations for more than three vehicles**

Applicant: Ruihua Gu	
Site: 244 Dudley Road	SBL: 82004 0022
Zoning: SR1	Lot Area: 267,786 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 244 Dudley Road consists of a 267,786 square foot lot improved with a single-family residence built in 1939. The petitioner proposes to demolish the existing detached garage and construct a 12,406 square foot two-story addition consisting of an attached garage with accommodations for up to 15 vehicles and loft space above.

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

- Zoning Review Application, prepared Laurance Lee, attorney, submitted 12/9/2021
- FAR Worksheet, submitted 12/9/2021
- Site Plan, signed and stamped by Timothy Burke, architect, dated 8/24/2021
- Floor plans and elevations, prepared by Timothy Burke, architect, dated 6/10/2021
- Proposed Plot Plan, prepared by Spruhan Engineering and Peter Nolan & Associates, dated 8/28/2019, revised 5/5/2020, 1/15/2021, 7/9/2021, 9/8/2021, 9/28/2021, 11/18/2021,

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner intends to raze the existing detached garage and construct a 12,406 square foot, two-story addition consisting of an attached garage with accommodations for 15 cars with finished loft space above. The ground floor area of the garage is proposed at 6,203 square feet. Per sections 3.4.4.E.1 and 3.4.4.H.1 a special permit is required for a garage with provision for more than three cars or with more than 700 square feet in area.
2. Section 5.1.8.B.5 requires that end stalls restricted on one or both sides shall have a maneuvering space of at least five feet in depth and nine feet in width. The two end stalls opposite the garage door do not have the required maneuvering space, necessitating a special permit per section 5.1.13.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	267,786 square feet	No change
Frontage	100 feet	<b>0 feet</b>	<b>No change</b>
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 12.5 feet 25 feet	151.5 feet >100 feet >400 feet	No change 20.2 feet >421.3 feet
Max Number of Stories	2.5	2.5	No change
Height (of addition)	36 feet	--	33.97 feet
FAR	.28	.03	.07
Max Lot Coverage	20%	2%	4.5%
Min. Open Space	65%	88.1%	85.3%

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.4.E.1 §3.4.4.H.1	Request to allow a garage accommodating more than three vehicles and with more than 700 square feet of ground floor area	S.P. per §7.3.3
§5.1.8.B.5 §5.1.13	Request to waive end stall maneuvering space requirement	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 a private ten-vehicle garage with a footprint of approximately 5,396 square feet,

as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site in a Single Residence 1 (SR1) zoning district is an appropriate location for the proposed garage as designed with provision for more than fifteen cars and exceeding 700 square feet given the property's large size and seclusion (§7.3.3.C.1);
2. The proposed garage as designed with provision for more than fifteen cars and exceeding 700 square feet as developed and operated will not adversely affect the neighborhood as the topography and size of the site is such that there will be limited visibility of the garage from adjacent public ways and parkland (§7.3.3.C.2);
3. There will be no 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).
5. *Literal compliance with the requirement that parking stalls have maneuvering space of five feet in depth and nine feet in width is impracticable for two stalls in the proposed garage due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13)*

PETITION NUMBER: #221-18

PETITIONER: Ruiha Gu

LOCATION: 244 Dudley Road, Section 82, Block 04, Lot 22, containing approximately 267,786 square feet of land

OWNER: Ruiha Gu

ADDRESS OF OWNER: 244 Dudley Road  
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Masonry

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- allow a garage accommodating more than three vehicles and with more than 700 square feet of ground floor area (§3.4.4.E.1, §3.4.4.H.1)
- waive end stall maneuvering space requirement (§5.1.8.B.5, §5.1.13)

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 the following plans:
  - i. A plan entitled “Proposed Plot Plan 244 Dudley Road, Newton, Massachusetts,” prepared by Peter Nolan & Associates, LLC and Spruhan Engineering, P.C., dated August 28, 2022, as revised through February 16, 2022.
  - ii. A set of architectural plans entitled “244 Dudley Road, Newton, Massachusetts,” prepared by Timothy Burke Architecture, signed and stamped by Timothy Burke, Registered Architect, consisting of the following sheets:
    - a. Site Plan (A0.1), dated August 24, 2021;
    - b. Garage Plans (A1.1);
    - c. Garage Plans (A1.2);
    - d. Garage Elevations (A3.1).
  - iii. A document entitled “FAR Worksheet- 244 Dudley Road, Newton, MA 02459,” indicating a proposed total gross floor area of 19,363 square feet and a proposed FAR (floor area ratio) of 0.07, stamped and signed by Timothy Burke, Registered Architect

2. There shall be no commercial automotive use of any sort conducted on site.
3. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. 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.
  - b. Filed a copy of such recorded 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. Provided a Final Landscape Plan showing any new plantings for review and approval by the Director of Planning and Development.
  - e. 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 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.