



Ruthanne Fuller  
Mayor

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

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

Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: April 26, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Pasquale Bruno, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

RE: Request to allow retaining walls exceeding four feet within a setback

|                                     |                              |
|-------------------------------------|------------------------------|
| Applicant: Pasquale Bruno           |                              |
| Site: 10 Elberta Terrace            | SBL: 41017 0019              |
| Zoning: SR3                         | Lot Area: 15,787 square feet |
| Current use: Single-family dwelling | Proposed use: No change      |

### BACKGROUND:

The property at 10 Elberta Terrace consists of a 10,637 square foot lot improved with a single-family dwelling constructed in 2018. The petitioner proposes to construct retaining walls exceeding four feet within the setbacks at the side and rear of the property, requiring a special permit.

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

- Zoning Review Application, prepared by Pasquale Bruno, applicant, submitted 3/10/2022
- Plan of Land Showing Proposed Walls, prepared by Bibbo Brothers and Associates, surveyor, dated 7/27/2021

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner is proposing retaining walls along the western side lot line as well as along half of the rear boundary. The walls reach a maximum height of 7 feet in the side setback and 4.7 feet within the rear, exceeding the four feet maximum height allowed within a required setback. Per section 5.4.2.B, the petitioner requires special permits to construct the proposed walls.
  
2. See "Zoning Relief Summary" below:

| <b>Zoning Relief Required</b> |  |                        |
|-------------------------------|--|------------------------|
| <i>Ordinance</i>              |  | <i>Action Required</i> |
| §5.4.2.B                      | Request to allow a retaining wall exceeding four feet within the setback | S.P. per §7.3.3        |