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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: September 28, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney  
71 Commonwealth LLC, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to allow six single-family attached dwellings**

Applicant: 71 Commonwealth LLC	
<b>Site:</b> 71 Commonwealth Ave & 15 Algonquin Rd	<b>SBL:</b> 63001 0013 & 63001 0013A
<b>Zoning:</b> MR1	<b>Lot Area:</b> 32,980.5 square feet
<b>Current use:</b> Two single-family dwellings	<b>Proposed use:</b> Six single-family attached dwellings

### BACKGROUND:

The subject site is comprised of two parcels totaling 32,980 square feet in the MR1 district, each improved with a single-family dwelling. The dwelling at 71 Commonwealth Avenue was constructed in 1913 and will remain as part of the project. The single-story dwelling at 15 Algonquin Road was constructed in 1988 and will be razed and replaced with five attached dwellings connected to the existing dwelling at 71 Commonwealth Avenue by an underground parking garage with 15 parking stalls and two surface parking stalls. The proposed new construction of five single family attached dwellings and preservation of the existing dwelling at 71 Commonwealth Avenue results in six single-family attached dwellings, requiring a special permit.

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

- Zoning Review Application, prepared by Terrence P, Morris, attorney, submitted 6/21/2022
- Existing Conditions Site Plan, prepared by Peter Nolan & Associates, surveyor, dated 7/19/2021
- Proposed Plot Plan, signed and stamped by Peter Nolan, surveyor, and Edmond Spruhan, engineer, dated 5/5/2022
- Elevations, prepared by Union Studio, architects, dated 5/6/2022

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioners propose to raze the dwelling at 15 Algonquin Road, combine the lots and construct five single-family attached dwellings in three separate buildings connected to the dwelling on Commonwealth Avenue with a 15-car underground garage in the Multi Residence 1 zoning district. The single-family dwelling at 71 Commonwealth Avenue will remain. Per section 3.4.1, a special permit is required to allow six single-family attached dwellings in the MR1 district.
2. Per sections 3.2.4 and 6.2.3.B.1, single-family attached dwellings require a 25 foot setback from each lot line. Section 3.2.4 allows the City Council to grant a special permit to waive the dimensional requirements. The petitioner proposes to construct a deck to the existing dwelling at the corner of Commonwealth Avenue and Algonquin Road, resulting in a 24.4 foot front setback from Algonquin Road, requiring a special permit. Unit 2 is proposed with a front setback of 22.3 feet from Commonwealth Avenue and the northeast corner of Unit 3 is proposed with a rear setback of 20.4 feet, both requiring a special permit.

Special permits per sections 3.2.4 and 6.2.3.B.1 are required to reduce the required setbacks for single family attached dwellings.

3. Section 3.2.4 allows a maximum lot coverage of 25%. The petitioner proposes 28.4% lot coverage, exceeding the maximum allowed, requiring a special permit.
4. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides must have maneuvering space at the aisle end of at least five feet in depth and nine feet in width. A special permit per section 5.1.13 is required to waive the maneuvering space for the two stalls at the end of the underground parking.
5. Section 5.1.8.D.1 requires that entrance and exit driveways for two-way use be a minimum of 20 feet wide. The proposed driveway is 19.9 feet wide, requiring a special permit per section 5.1.13.
6. Per section 6.2.3.B.2 no driveway may be located within 10 feet of a side or rear lot line, unless by special permit. The driveway is within 10 feet of the eastern lot line, requiring a special permit.
7. Per that same section 6.2.3.B.2 no parking may be located within 20 feet of a lot line. Two surface parking stalls are proposed at the end of the driveway along the eastern lot line, requiring a special permit.
8. Retaining walls are proposed throughout the site. While most are less than four feet in height, the retaining walls within the front setback from Algonquin Road reach a maximum height of 4.9 feet. Per section 5.4.2, a special permit is required for a retaining wall with four feet or more in height located within a setback.

<b>MR1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	15,000 square feet	32,980 square feet	No change
Frontage	80 feet	405 feet	No change
Setbacks <ul style="list-style-type: none"> <li>• Front (Commonwealth Ave)</li> <li>• Front (Algonquin Road)</li> <li>• Rear (north)</li> <li>• Rear (east)</li> </ul>	25 feet 25 feet 25 feet 25 feet	37.2 feet 30.1 feet 11.3 feet 28 feet	<b>22.3 feet*</b> <b>24.4 feet*</b> <b>20.4 feet*</b> 25 feet
Building Height	36 feet	32.1 feet	36 feet
Max Number of Stories	2.5	2.5	No change
Lot Coverage Max	25%		<b>28.4%*</b>
Open Space Min	50%		58.9%
Lot Area Per Unit	4,000 square feet	16,490 square feet	6,596 square feet

\*requires relief

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4 §6.2.3.B.1	To allow reduced front setback	S.P. per §7.3.3
§3.2.4 §6.2.3.B.1	To allow reduced rear setback	S.P. per §7.3.3
§3.2.4	To exceed maximum lot coverage	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	To allow restricted end stalls	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	To allow a driveway with 19.9 feet in width	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines	S.P. per §7.3.3
§5.4.2	To allow a retaining wall exceeding four feet in height within a setback	S.P. per §7.3.3