



Ruthanne Fuller
Mayor

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

#504-22
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: December 7, 2022
Land Use Action Date: February 28, 2023
City Council Action Date: March 6, 2023
90-Day Expiration Date: March 7, 2023

DATE: December 2, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Cat Kemmett, Senior Planer

SUBJECT: **Petition #504-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing single-story dwelling at 15 Algonquin Rd and construct five single-family attached dwellings with reduced setbacks, which exceeds the maximum lot coverage, a retaining wall greater than 4 feet in height within a setback and to allow parking dimensional relief at 71 Commonwealth Ave, Newton, Ward 7, on land known as Section 63 Block 01 Lots 13 and 13A, containing approximately 32,980 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.1, 5.1.8.B.6, 5.1.13, 5.1.8.D.1, 6.2.3.B.2, 5.4.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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.



71 Commonwealth Avenue

EXECUTIVE SUMMARY

The subject site is comprised of two parcels totaling 32,980 square feet in the MR-1 district in Chestnut Hill, each improved with a single-family dwelling. The dwelling at 71 Commonwealth Avenue will remain as part of the project, while the smaller dwelling at 15 Algonquin Road will be razed and replaced with five attached dwellings and ultimately the lots will be combined. These attached dwellings will connect to the existing dwelling at 71 Commonwealth Avenue via an underground parking garage with 15 parking stalls and two surface parking stalls. The proposed new construction of five single family attached dwellings plus the existing dwelling at 71 Commonwealth Avenue results in six single family attached dwellings total, which requires a special permit. The project requires relief to reduce the required front and rear setbacks and to exceed the lot coverage for the single family attached dwellings building type. The project requires relief for aspects of the parking configuration such as driveway width, location, parking within 20 feet of the front and rear lot lines, and to allow restricted end stalls. The project also required relief for retaining walls over four feet in height within a setback.

The site's location in the MR-1 zone and less than one half mile from the Boston College MBTA station lends itself to attached dwelling units and the project exceeds the lot area per unit set forth for single family attached dwellings. The five units of new construction are connected below grade via an underground parking garage, thus the massing of the proposed units is spread out over the three new buildings above grade. While the driveway and parking require setback relief, the proposed plantings and landscaping will serve to screen that infrastructure and add visual interest to the street.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site in MR-1 is an appropriate location for the proposed six single-family attached dwellings in four structures which require relief for to reduce the front and rear setbacks, substandard driveway width and maneuvering space, exceeding the maximum lot coverage, and to allow a retaining wall exceeding four feet in height within a setback. (§7.3.3.C.1)
- The proposed six single-family attached dwellings in four structures which require relief for front and rear setbacks, substandard driveway width and maneuvering space, exceeding the maximum lot coverage, and to allow a retaining wall exceeding four feet in height within a setback will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed six single-family attached dwellings in four structures which require relief for front and rear setbacks, substandard driveway width and maneuvering space, exceeding the maximum lot coverage, and to allow a retaining wall exceeding four feet in height within a setback 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)
- Literal compliance with the provisions of §6.2.3.B.2 to allow to allow a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines, restricted end stalls, and a driveway with 19.9 feet in width is appropriate as literal compliance with said requirements is impracticable 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 (§6.2.3.B.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

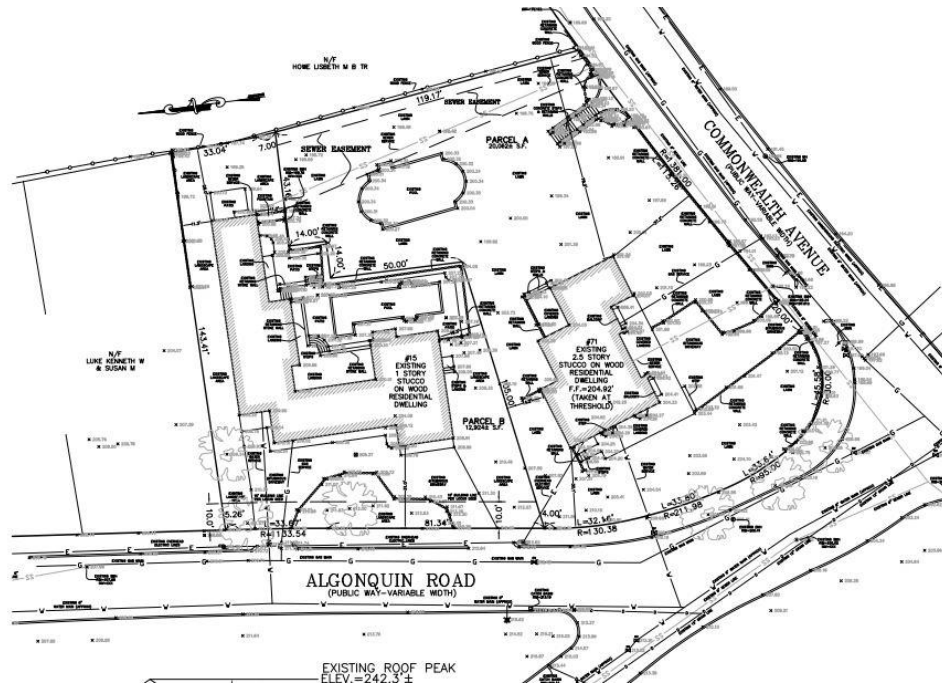
A. Neighborhood and Zoning

The subject properties are located in Chestnut Hill at the intersection of Commonwealth Avenue and Algonquin Road in the MR-1 district. The property's current land use is single-family residential, consisting of a single-family dwelling at both 71 Commonwealth Avenue and 15 Algonquin Road. The area is predominantly residential with a mix of single and multi-family uses in addition to private educational use on Boston College's property across Commonwealth Avenue (**Attachment A**). The properties north on Algonquin Street and east on Commonwealth Avenue are mostly in the MR-1 zone, with some SR-2 to the west and MR-2 east on Commonwealth Ave. There is some Public Use east of the site, at the Boston College MBTA station (**Attachment B**). The Boston College MBTA station is located less than a quarter of a mile from the site.

B. Site

The site consists of two parcels totaling 32,980 square feet. These parcels are both located in the Chestnut Hill Local Historic District. The two and a half story dwelling at 71 Commonwealth Avenue was constructed in 1913 in Spanish Colonial style in white and brown exterior stucco and occupies a corner lot. The lot also has a swimming pool and detached structure serving as a cabana for the pool. 71 Commonwealth Avenue has a nonconforming rear setback at the north side of 11.3 feet where 25 feet is required.

Existing Conditions



The single-story dwelling at 15 Algonquin Road was constructed in 1988 in a similar style to 71 Commonwealth Avenue. The application to demolish the dwelling was approved on June 15, 2022 by the Newton Historical Commission because staff and the chair determined that there are no architecturally significant features being demolished. Vehicular access to 71 Commonwealth Avenue is provided via a single curb cut on Commonwealth Avenue leading to a bituminous driveway close to the intersection of Commonwealth Avenue and Algonquin Road. 15 Algonquin Road has two curb cuts leading to a paved driveway that provides access to an attached garage.

The site has existing retaining walls along the Commonwealth Ave frontage locations. The heights of these walls aren't provided; however, they appear to exceed four feet along the frontage of Commonwealth Avenue. The retaining walls for the existing driveway from Commonwealth Avenue connects to the wall along the frontage and decreased in height towards the single-family dwelling at 71 Commonwealth Avenue. The wall along the frontage of Commonwealth Ave wraps around the property at Algonquin Road and then terminates shortly as the topography slopes upwards after the turn on Algonquin Road.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

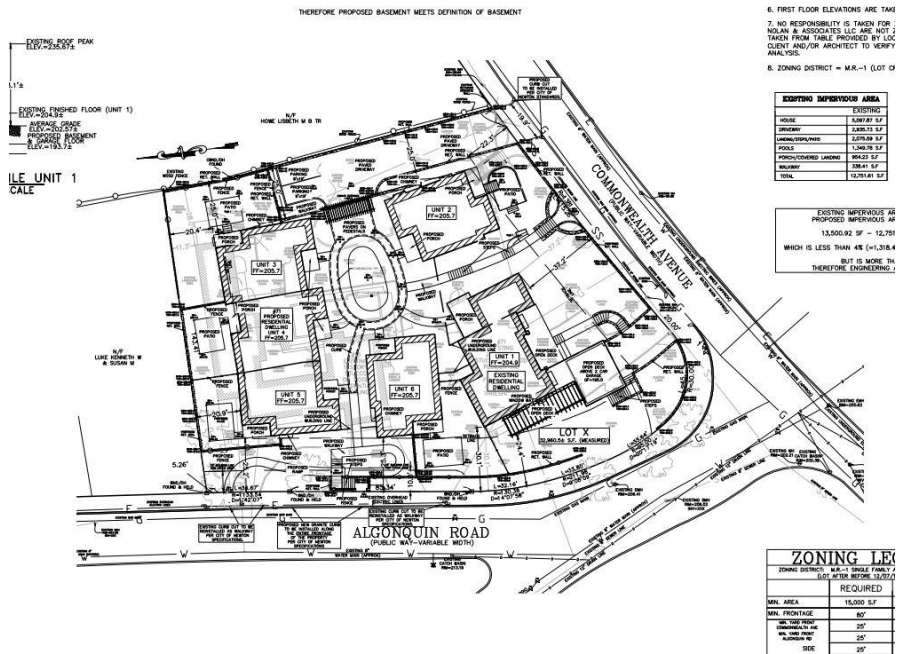
The principal use of the site will change from single-family use to multi-family use with six single-family attached dwelling units.

B. Site Design

The petitioner is proposing to retain the dwelling at 71 Commonwealth Avenue. The petitioner proposes to add a new attached two car garage with an open-air deck above to the existing dwelling resulting in a 24.4-foot front setback from Algonquin Road. Because a 25-foot setback is required, the addition that reduces the front setback from Algonquin Road requires a special permit.

The existing dwelling at 15 Algonquin Road and pool will be razed, and three structures containing five single-family attached units are proposed to be constructed. Special permit relief is required to allow six single-family attached dwellings in the MR1 district.

Proposed Site Plan



Three townhouse style units (Units 3, 4, and 5) are proposed parallel to the north lot line. The remaining two units are standalone structures, with one unit fronting Algonquin Road (Unit 6) and the other fronting Commonwealth Avenue (Unit 2). As proposed Unit 2 will have a front setback of 22.3 feet from its front porch to Commonwealth Avenue and the northeast corner of Unit 3 will have a rear setback of 20.4 feet, both requiring a special permit. Aside from 71 Commonwealth Avenue (Unit 1), the new construction along Algonquin Road meets the required 25-foot front setback.

Landscaping is proposed along the frontages on Algonquin Road and Commonwealth Avenue, and courtyard lawn space is proposed, with pathways providing access from the rear of each unit. The project proposes 28.4% lot coverage where 25% is the maximum, which requires special permit relief. The open space proposed is 58.9%, where 50% is the minimum required, and requires no relief. Several retaining walls are proposed that do not require relief. However, the retaining walls within the front setback from Algonquin Road reach a maximum height of 4.9 feet. A special permit is required for a retaining wall that is four feet tall or higher located within a setback. Planning Staff notes that the existing retaining wall along the frontage of Commonwealth Ave appears to be over four feet, however the measurement is not provided.

The Planning Department encourages the Petitioner to revisit the lot coverage prescribed for single family attached dwellings and whether the proposed lot coverage of 28.4% can be brought closer into compliance with the 25% set forth in the Ordinance.

C. Building Design

Units 3, 4, and 5 are townhouse style units divided side by side vertically. Units 2 and 6 are standalone detached buildings. All three new buildings will be 36 feet in height, requiring no relief. The floorplans indicate that each unit will have four bedrooms, a patio, balcony, and a porch. Units 2 and 6 will also have roof decks. While the zoning ordinance does not set forth a floor area ratio (FAR) for single family attached dwellings, the proposed FAR of the project is .54 or 17,950 square feet for the lot consisting of 32,980 square feet. The petitioner broke out the square footages by floor but should provide the unit sizes of each unit.



Commonwealth Avenue Elevations (existing dwelling and Unit 2)



Algonquin Road elevations (side of Units 3, 4, and 5 and front of Unit 6)



Courtyard elevation for Units 3, 4, and 5

The Planning Department believes the site to be an appropriate location for the proposed single-family attached dwelling units. The site's location in the MR-1 zone and within a quarter mile of transit lends itself to multi-family uses and the project meets the lot area per unit requirement, with 6,596 square feet per unit proposed where 4,000 square feet is required. The design breaks up the massing between four separate buildings, does not exceed the maximum lot coverage, and exceeds the site's minimum open space requirements.

The neighborhood is predominately residential, with many single-family dwellings nearby on Commonwealth Avenue and Algonquin Road. However, there are also several larger multifamily housing projects in close proximity to the site, mainly towards the Boston College MBTA stop. This includes a 57-unit multi-family dwelling at 27-29 and 35 Commonwealth Ave, a 17 unit building at 37 Commonwealth Ave, a 14 unit building at 41 Commonwealth Ave, and several other smaller multi-family buildings. The site is in close proximity to part of Boston College campus and the associated residential and educational buildings there. Because there is already a diversity in size and scale of

housing this area, Planning believes this is an appropriate location for the proposed additional housing units.

D. Parking and Circulation

There are 17 parking stalls total proposed for the site. There are two surface parking stalls proposed at the end of the western driveway from Commonwealth Avenue, fifteen below-grade stalls, and two stalls in a proposed private garage for Unit 1's exclusive use. This plan meets the amount of parking required by the Ordinance. There will be two curb cuts on Commonwealth Avenue. The first is the existing curb cut which provides access to the existing dwelling which will be retained and will provide access to a two-car garage. The second is a proposed new curb cut at the southeast corner of the property adjacent to Unit 2. This new driveway will be 19.9 feet wide and provide access to a paved driveway leading to an underground garage with fifteen parking stalls as well as the two surface parking stalls at the western property line. The two existing curb cuts on Algonquin Road will be removed and walkways installed in their place.

Because a minimum driveway width of 20 feet is required for two-way traffic flow for cars entering and exiting, this driveway requires a special permit. This driveway is located along the eastern lot line within 10 feet of the rear lot line, which requires a special permit. Additionally, the two surface parking stalls would lie along the eastern lot line. The ordinance does not allow parking located within 20 feet of a lot line, so special permit relief is required. 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. Because the two stalls at the end of the underground parking do not have sufficient maneuvering space, a special permit is required.

E. Landscaping

The petitioner submitted a landscape plan showing screening along the frontages on both Commonwealth Avenue and Algonquin Road. The proposed screening consists of arborvitae, shrubs, as well as perennials and grasses. The plan also proposes a central lawn. Planning has shared these plans with the Director of Urban Forestry and will share that analysis at a future meeting.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning. Based on the Zoning Review Memorandum, the petitioner is seeking the following relief:

Zoning Relief Required		
<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

B. Engineering Review

Associate City Engineer, John Daghlian, is in the process of reviewing this petition for conformance with the City of Newton Engineering Standards, and an analysis will be provided at a future meeting.

C. Historic Preservation Review

The existing structures are located in the Chestnut Hill Local Historic District. The application to demolish the dwelling at 15 Algonquin Road was approved on June 15, 2022 by the Newton Historical Commission because staff and the chair determined that there are no architecturally significant features being demolished. As such, demolition was not delayed, and no further review is required by Historic. Staff are conferring with the Chief Preservation Planner to clarify whether the changes to 71 Commonwealth Avenue are subject to 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 A

Land Use

71 Commonwealth Ave

*City of Newton,
Massachusetts*

Land Use

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Open Space
- Private Educational
- Nonprofit Organizations
- Vacant Land
- Tax Exempt

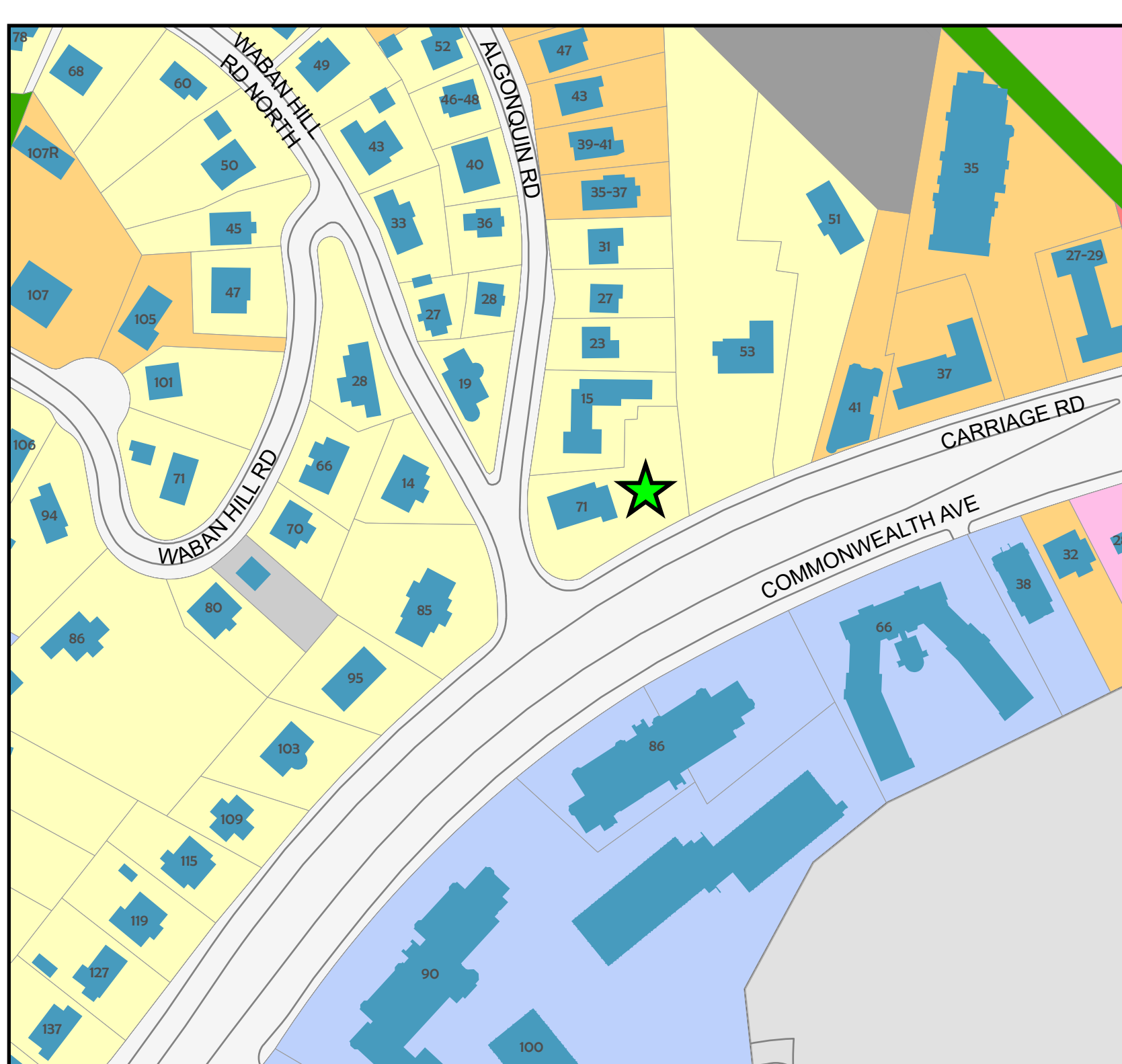


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.25 50 75 100 125 150 175 Feet

Map Date: November 29, 2022



ATTACHMENT B

Zoning

71 Commonwealth Ave

*City of Newton,
Massachusetts*

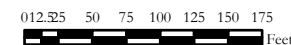
Zoning

- Single Residence 1
- Single Residence 2
- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Public Use

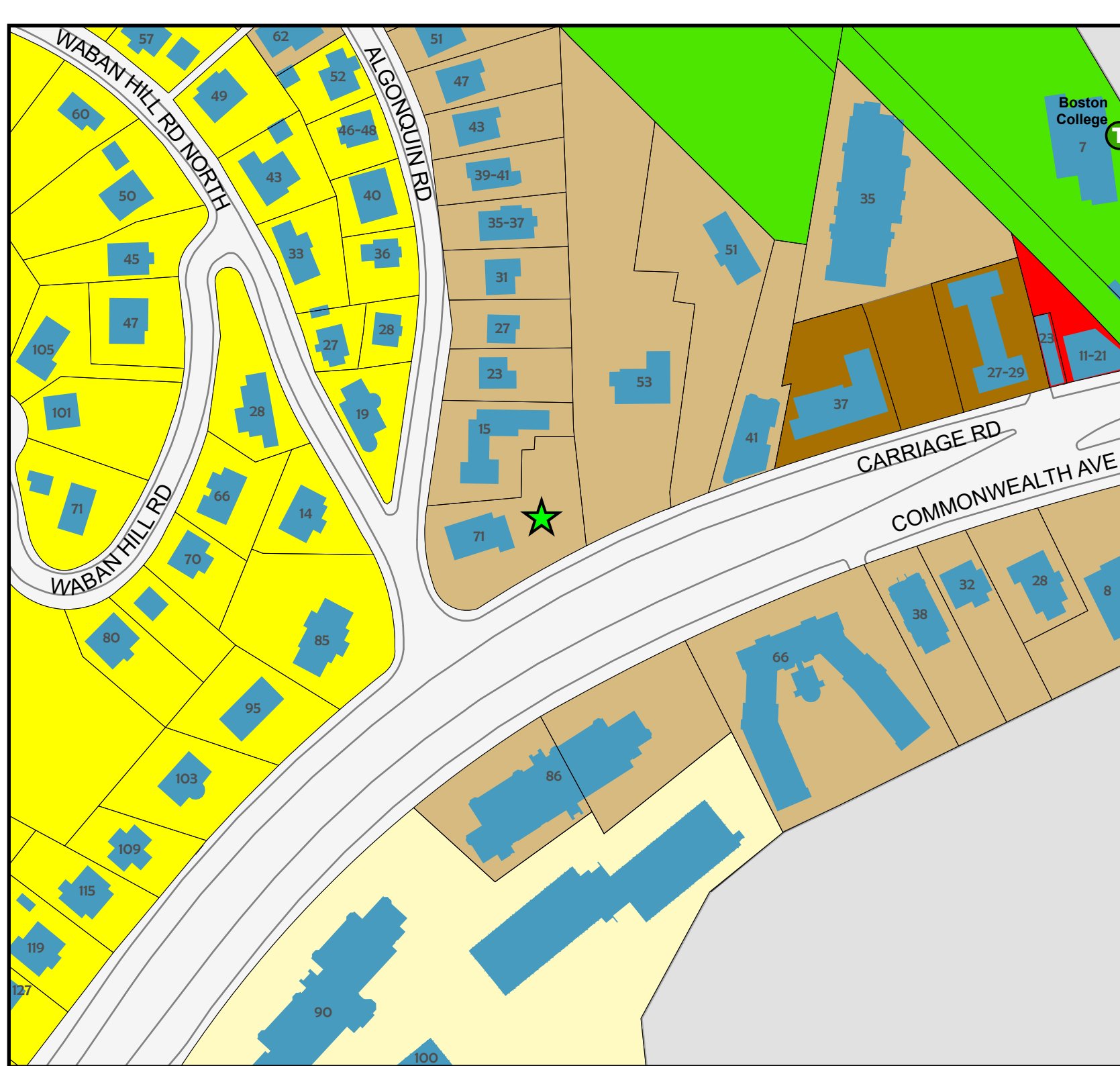


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Map Date: November 29, 2022





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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	
Site: 71 Commonwealth Ave & 15 Algonquin Rd	SBL: 63001 0013 & 63001 0013A
Zoning: MR1	Lot Area: 32,980.5 square feet
Current use: Two single-family dwellings	Proposed use: 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:

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.

MR1 Zone	Required	Existing	Proposed
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"> • Front (Commonwealth Ave) • Front (Algonquin Road) • Rear (north) • Rear (east) 	25 feet 25 feet 25 feet 25 feet	37.2 feet 30.1 feet 11.3 feet 28 feet	22.3 feet* 24.4 feet* 20.4 feet* 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%		28.4%*
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:

Zoning Relief Required		
<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
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§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