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Mayor

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**#22-23**

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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date:

January 24, 2023

DATE: January 20, 2023

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

SUBJECT: **Petition #22-23** to demolish an existing attached single-car garage and construct a two-car garage with living space above at **4 Garrison Street**, Ward 7, Chestnut Hill, on land known as Section 61 Block 11 Lot 08, containing approximately 9,780 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 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.



**4 Garrison Street**

## EXECUTIVE SUMMARY

The subject property at 4 Garrison Street consists of a 9,780 square foot corner lot in a Multi Residence 2 (MR2) zoning district improved with a three and half story, 33.7-foot-high single-family dwelling constructed in 1922 and expanded in the 1980s with an addition containing a basement level single-car garage with living space above.

The petitioners propose to replace the existing attached 240 square foot basement level garage and first floor “den” space on the right side of the lot’s Garrison Street frontage with an addition that would include a 705 square foot garage and 480 square feet of first floor living space above.

Per Section 3.4.4.H.1 of the Newton Zoning Ordinance (NZO) the proposed garage requires a special permit to allow more than 700 square feet of total garage area on a lot.

Also, as the proposed addition of a two-car garage with living space above would increase the parcel’s floor area ratio (FAR) from 0.40 to 0.50 where 0.48 is the maximum allowed by right, a special permit per Secs. 3.1.3 and 3.1.9 is required.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site in a Multi Residence 1 zoning district is an appropriate location for the proposed garage with more than 700 square feet in total area (§7.3.3.C.1)
- The proposed garage with more than 700 square feet in total area will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed garage with more than 700 square feet in total area 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)
- The proposed expanded structure with a floor area ratio of 0.50 where 0.48 is the maximum allowed by-right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.3, §3.1.9)

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located the southeast corner of the intersection of Garrison and Ward streets. Consistent with most of the surrounding neighborhood, the site is developed with a single-family home; exceptions include several two- and multi- family properties located mostly to the east on Commonwealth Avenue and the Waban Hill Reservoir directly to the north across Ward Street (**Attachment A**). The site and surrounding area to the east and south are zoned Multi Residence 2 (MR2) and Public Use (PU) directly to the north, while the areas to the west and further north are zoned Single Residence 2; a Single

Residence 1 (SR1) zone is located about a thousand feet to the southwest (**Attachment B**).

**B. Site**

The property consists of a 9,780 square foot corner lot improved with a three and half story, 33.7-foot-high single-family dwelling with an attached basement level single-car garage. The parcel slopes approx. eight feet downward from its northwest corner (the intersection of Garrison and Ward streets) to the southeast corner of the lot. Vehicular access to the existing garage is provided via a paved driveway and associated curb cut located near the south property line (perpendicular to Garrison Street). The parcel has a wooden fence along its Ward Street frontage and a low decorative metal fence along its Garrison Street frontage. The remaining portions of the site include lawn areas and mature trees and shrubs.

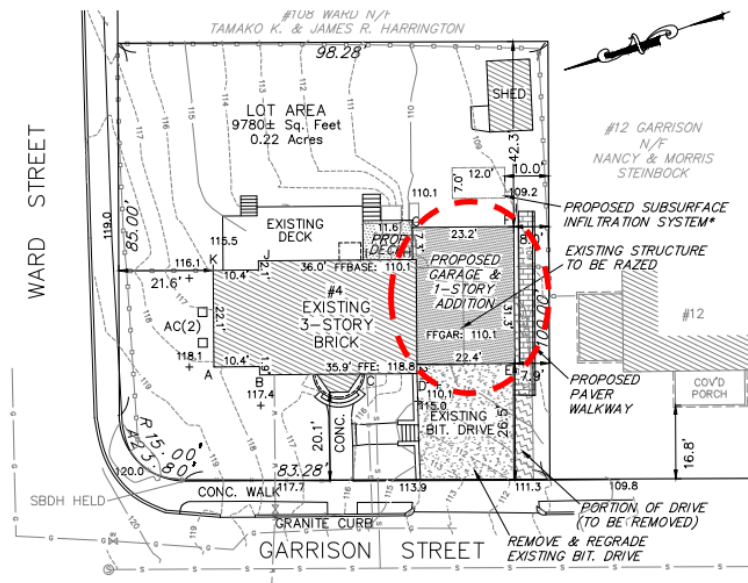
**III. PROJECT DESCRIPTION AND ANALYSIS**

**A. Land Use**

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

**B. Building and Site Design**

The petitioners propose to replace the existing attached 240 square foot basement level garage and first floor “den” space above with an addition that would include a 705 square foot garage and 480 square feet of additional first floor living space above. The addition, which would be located on the right side of the lot’s Garrison Street frontage, would increase the dwelling’s floor area from 3,930 to 4,875 square feet (approximately 181 square feet more than what is allowed by-right), and its floor area ratio (FAR) from 0.40 to 0.50 where 0.48 is the maximum allowed by-right.



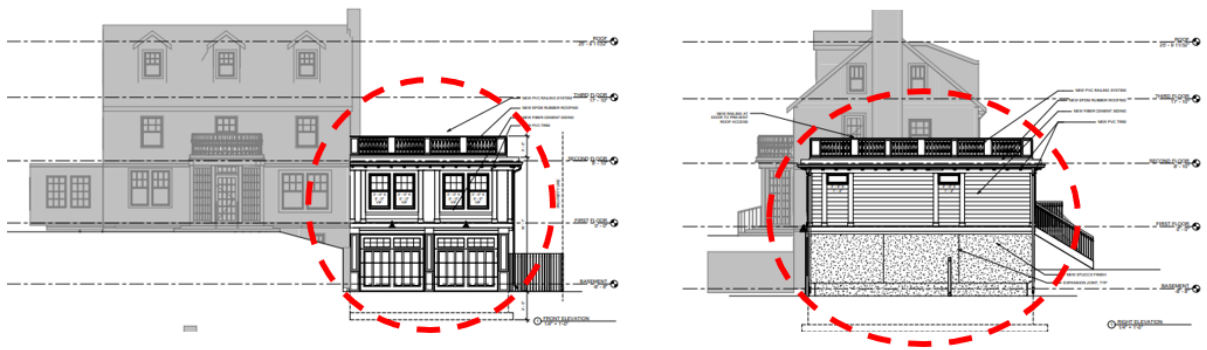
**Proposed site plan (addition indicated)**

The structure's nonconforming 3 ½ stories would remain unchanged. Its measured height of 33.76 feet would increase slightly to 34.6 feet not because of any increase in the ridge height but rather because the measured average grade of the expanded dwelling would be approximately 0.9 feet lower than the existing.

Regarding setbacks, there would be no changes to the two nonconforming front setbacks of 20.1 and 21.6 feet along Garrison and Ward streets, respectively, where 25 feet is required. The 49.7-foot rear setback would be slightly reduced from 49.7 to 42.3 feet where 15 feet is required. The side setback perpendicular to Garrison Street that would be reduced from 19.5 to 7.9 feet, remaining just above the required 7.5 feet.

The proposed changes would increase the lot coverage from 16.3% to 21.1%, remaining below the maximum 30% allowed by right. The property's open space would decrease slightly, from 67.7% to 64.6%, remaining well above the minimum 50% required.

The amount of impervious area would increase by only 90 feet.



***Proposed front and south side elevations (addition indicated)***

C. Parking and Circulation

The petitioners are proposing to provide a two-car garage, an increase of one garaged space. The existing driveway would be removed and replaced with a new regraded paved driveway that would be approx. four feet narrower than the existing driveway.

D. Landscape, Lighting and Signage

A landscape plan was not submitted with this petition. The Planning Department recommends the petitioner consider installing appropriate vegetative screening along the side setback perpendicular to Garrison Street to limit the visual impact of the proposed addition, especially given the relative grades of the subject and nearby properties.

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 a Special Permit per §7.3.3 to:

- allow a garage exceeding 700 square feet (§3.4.4.H.1)
- exceed FAR (§3.1.3, §3.1.9)

B. Engineering Review

Review of this petition by the Engineering Division is not required at this time.

C. Historic Review

On December 8, 2022, Newton Historic Commission staff determined the structure is historically significant but approved the project based upon submitted material, requiring possible further staff review.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

**Attachment A:** Zoning Review Memorandum

**Attachment B:** DRAFT Council Order

# ATTACHMENT A



Ruthanne Fuller  
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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: December 21, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Susan and Arnold Servais, Applicants  
Jared Gardener, Morse Constructions  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

RE: Request to exceed FAR and to allow a garage exceeding 700 square feet

### Applicant: Susan and Arnold Servais

Site: 4 Garrison Street	SBL: 61011 0008
Zoning: MR1	Lot Area: 9,780 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 4 Garrison Street consists of a 9,780 square foot lot improved with a single-family dwelling constructed in 1922. The petitioners propose to demolish an existing attached single-car garage added in the 1980s and construct a two-car garage with living space above. The proposed garage addition will have a footprint exceeding 700 square feet and will exceed the maximum FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Jared Gardener, Morse Constructions, submitted 11/16/2022
- Plot Plan, signed and stamped by Michael P. Clancy, surveyor, dated 12/4/2018, revised 11/10/2022
- Plans and elevations, signed and stamped by Matthew J. Jesi, architect, dated 11/9/2022
- FAR calculation

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to raze the existing one-story single-car attached garage to construct a 705 square foot attached two-car garage. Per section 3.4.4.H.1, a special permit is required for more than 700 square feet of total garage area on a lot.
2. The proposed addition of a two-car garage with living space above increases the FAR from .40 to .50 where .48 is the maximum allowed. A special permit per sections 3.1.3 and 3.1.9 is required.

<b>MR1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	7,000 square feet	9,780 square feet	No change
Frontage	100 feet	100 feet	No change
Setbacks			
• Front (Garrison St)	25 feet	<b>20.1 feet</b>	<b>No change</b>
• Front (Ward St)	25 feet	<b>21.6 feet</b>	<b>No change</b>
• Side	7.5 feet	19.5 feet	7.9 feet
• Rear	15 feet	49.7 feet	42.3 feet
Max Number of Stories	2.5	<b>3.5</b>	<b>No change</b>
Max Height	36 feet	33.7 feet	34.6 feet
FAR	.48	.40	<b>.50*</b>
Max Lot Coverage	30%	16.3%	21.1%
Min. Open Space	50%	67.7%	64.6%

\*Requires relief

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.4.H.1	To allow a garage exceeding 700 square feet	
§3.1.3 §3.1.9	To exceed FAR	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 garage exceeding 700 square feet in floor area (§3.4.4.H.1) and an increased floor area ratio (FAR) of 0.43 where 0.35 exists and 0.36 is the maximum allowed by right (§3.1.3), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- The site in a Multi Residence 1 zoning district is an appropriate location for the proposed garage with 705 square feet in total area as it is only five square feet larger than that allowed by right and it would allow the garaging of an additional vehicle (§7.3.3.C.1)
- The proposed garage with 705 square feet in total area will not adversely affect the neighborhood as it is only five square feet larger than that allowed by right and it would allow the garaging of an additional vehicle (§7.3.3.C.2)
- The proposed garage with more than 700 square feet in total area will not 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)
- The proposed expanded structure with a floor area ratio of 0.50 where 0.48 is the maximum allowed by-right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood, many of which are similar in those respects to the proposed structure (§3.1.3, §3.1.9)

PETITION NUMBER: #22-23

PETITIONER: Arnold and Susan Servais

LOCATION: 4 Garrison Street, on land known as Section 61 Block 11 Lot 08, containing approximately 9,780 sq. ft. of land



OWNER: Arnold and Susan Servais

ADDRESS OF OWNER: 4 Garrison Street  
Newton, MA 02467

TO BE USED FOR: Single Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- allow a garage exceeding 700 square feet (§3.4.4.H.1)
- exceed allowed floor area ratio (FAR) (§3.1.3, §3.1.9)

ZONING: Multi Residence 1 (MR1)

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:
  - a. a site plan entitled "Plot Plan for 4 Garrison Street in Newton, MA," dated December 4, 2018 as revised through November 10, 2022, prepared by C&G Survey Company, stamped and signed by Michael P. Clancy, Registered Professional Land Surveyor
  - b. architectural plans entitled "Servais Residence, 4 Garrison Street, Newton, MA 02467," prepared by Morse Constructions, stamped and signed by Mathew J. Jesi, Registered Architect, dated November 11, 2022, comprised of the following sheets:
    - i. G100 Cover
    - ii. G101 Notes
    - iii. G102 Floor Area Ratio
    - iv. G103 Photos
    - v. G104 Neighborhood Photos
    - vi. C100 Site Plan
    - vii. C101 Water Management
    - viii. A100 Basement Plan
    - ix. A101 First Floor Plan
    - x. Ex200 Existing Elevations
    - xi. Ex201 Existing Elevations
    - xii. A200 Elevations
    - xiii. A201 Elevations
    - xiv. A300 Interior Elevations
    - xv. A400 Enlarged Bathroom Plan And Interior Elevations
    - xvi. A700 Reflected Ceiling Plans

xvii. S100 Structural

- c. a document entitled "Floor Area Worksheet" indicating a proposed total gross floor area of 4,875 square feet and a proposed FAR (floor area ratio) of 0.50
2. 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. Provided a Final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. 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. 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.