



Ruthanne Fuller  
Mayor

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

**#514-18**

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Barney Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date:	November 8, 2018
Land Use Action Date:	January 29, 2019
City Council Action Date:	February 4, 2019
90-Day Expiration Date:	February 6, 2019

DATE: November 2, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

SUBJECT: **Petition #514-18**, petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story detached garage, greater than 700 sq. ft. containing accommodations for ten vehicles at **244 Dudley Road**, Ward 8, Newton Centre, containing approximately 267,786 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3, 7.4, 3.4.2.B.1 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.



**244 Dudley Road**

### EXECUTIVE SUMMARY

The property at 244 Dudley Road consists of a six-acre (approx. 267,786 square foot) lot improved with a single-family residence built in 1939 and a detached garage. Originally part of a much larger parcel, the property is landlocked within Kennard Park and the Kennard Conservation Area. The property is accessed via an easement through Kennard Park to Dudley Road.

The petitioner proposes to demolish the existing detached garage and construct a new two-story, 9,774 square foot garage structure with accommodations for ten vehicles on the ground floor with finished storage above. The proposed garage, which the petitioner has indicated would be used to house an auto collection, would be attached to the existing dwelling by a covered breezeway and staircases. Section 3.4.2.C.1 requires a special permit for a private garage exceeding 700 square feet or with provision for more than three cars.

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 site is an appropriate location for the proposed garage with provision for more than three cars and exceeds 700 square feet (§7.3.3.C.1);
- The proposed garage 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).

#### 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. 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. (*Note: the submitted site plans do not indicate the existence of the pool; the Petitioner has indicated that revised drawings showing the pool will be provided.*)

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 petitioners are proposing to construct a two-story L-shaped garage attached to the existing dwelling by way of a covered breezeway. A paved "court" area would be constructed to provide access to the garage's five double-width vehicle access doors.

As proposed, the garage would be a two-level, 27.5-foot-high, 9,774 square feet structure attached to the southeast façade of the existing dwelling by a covered breezeway and staircases. As indicated, the garage structure's approximately 5,396 square foot ground floor would be used to house an auto collection while the second floor would be used for storage.

As the petitioner intends to raze the existing detached 900 square foot garage, the resulting net increase of floor area on the property would be 9,341 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 0.28 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 approximately 150 to 29 feet (it should be noted that the existing garage to be demolished is located approximately 42

feet from that property line).

The parcel's resulting lot coverage would be 4%, significantly below remain below the maximum 20% allowed. The open space on the parcel would measure 88%, well above the required 65%.

C. Parking and Circulation

The petitioners are proposing to provide ten vehicle spaces on the ground floor of the proposed garage, all accessed via a paved "court" area flanked on two sides by the L-shaped garage. This court area would connect to the property's existing driveway.

As indicated by the petitioner, the vehicles would be an auto collection.

D. Landscape and Screening

The subject property is currently well-screened from the adjacent similarly wooded open parcels. It appears that several trees would need to be removed in the area of the proposed garage; the petitioner should be prepared to discuss the nature and extent of such removal at the public hearing. Also, the Planning Department suggests that the petitioner consider installing some trees in the area between the proposed garage's southeast façade and 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 private garage accommodating more than three vehicles and with more than 700 square feet (§3.4.2.B.1)

B. Engineering Review

No engineering review is required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this project be approved.

C. Newton Historical Commission

On August 15, 2018 Newton Historical Commission found the existing garage to be demolished not historically significant and required no further review.

V. PETITIONER'S RESPONSIBILITIES

As referenced above, the Petitioner provide revised site plans showing the existing pool.

**ATTACHMENTS:**

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

Land Use

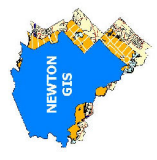
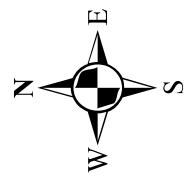
244 Dudley Rd.

City of Newton,  
Massachusetts

Land Use

Land Use

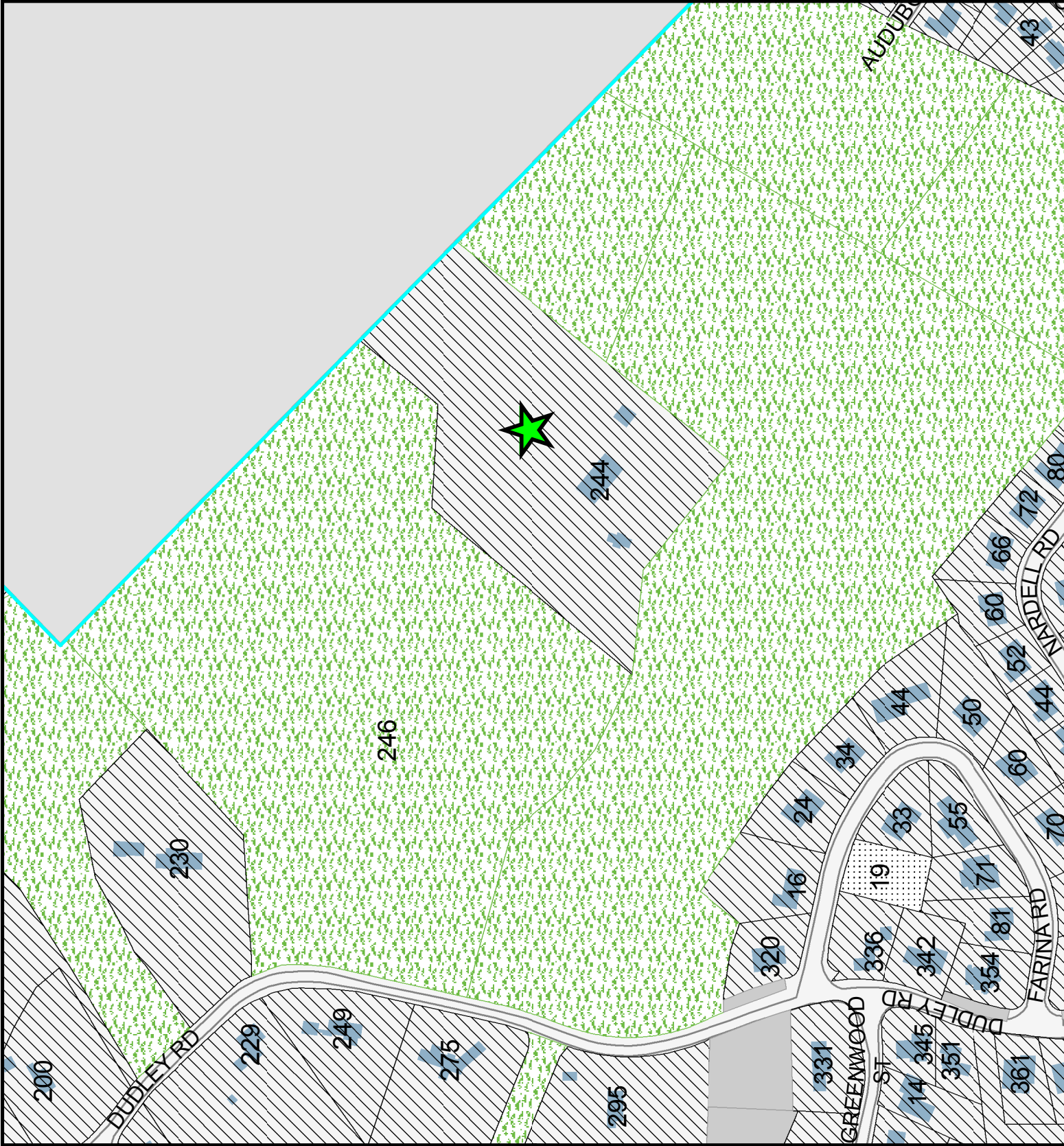
- Single Family Residential
- Multi-Family Residential
- Mixed Use
- Open Space
- Vacant Land



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

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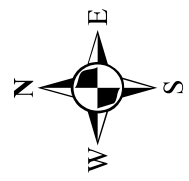
Zoning

244 Dudley Rd.

City of Newton,  
Massachusetts

Legend

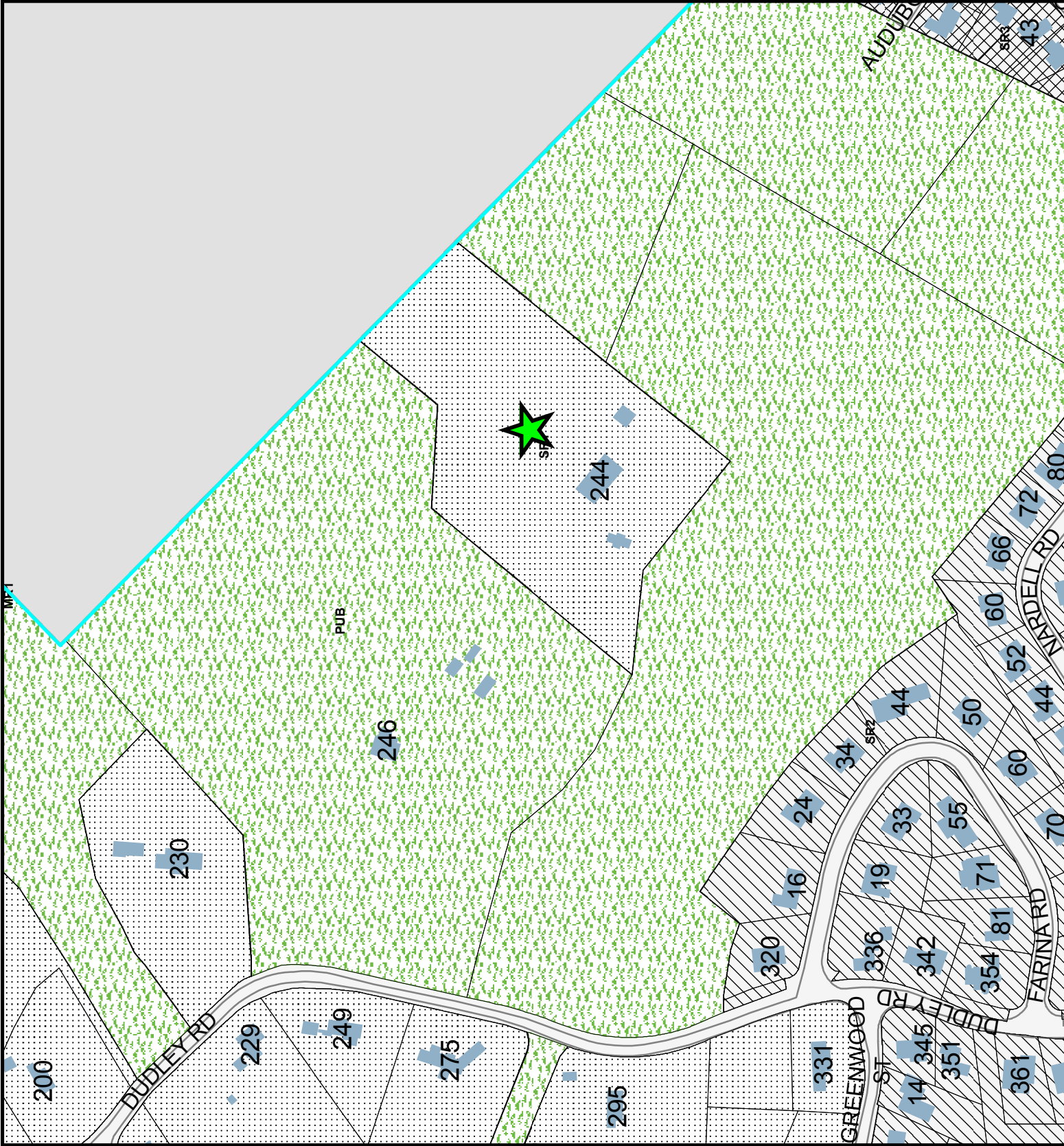
- Single Residence 1
- Single Residence 2
- Single Residence 3
- Multi-Residence 1
- Public Use



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

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Ruthanne Fuller  
Mayor

## ATTACHMENT C

City of Newton, Massachusetts  
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Barney S. Heath  
Director

### ZONING REVIEW MEMORANDUM

Date: September 20, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Jennifer Caira, Chief Planner for Current Planning

Cc: Timothy Burke, Architect  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Acting City Solicitor

RE: **Request to allow a private 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. Originally part of a much larger parcel, the six acre property is landlocked within Kennard Park and the Kennard Conservation Area, and gains its access to Dudley Road by an easement through the park. The petitioner proposes to demolish the existing detached garage and construct a new two-story attached garage structure with accommodations for ten vehicles.

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

- Zoning Review Application, prepared Timothy Burke, architect, submitted 9/17/2018
- FAR Worksheet, submitted 9/19/2018
- Site Plan, signed and stamped by Elliot J. Paturzo, surveyor, dated 9/14/2018
- Architectural plans and elevations, prepared by Timothy Burke, architect, dated 5/24/2018



## ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to raze the existing detached garage structure and construct a 9,774 square foot, two story addition consisting of an attached garage with accommodations for ten cars with finished storage above. Section 3.4.2.B.1 requires a special permit for a private garage with provision for more than three cars or with more than 700 square feet in area.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	267,786 square feet	No change
Frontage	100 feet	0 feet	No change
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 29 feet >300 feet
Max Number of Stories	2.5	2.5	No change
Height (of addition)	36 feet	--	27.5 feet
FAR	.28	.03	.07
Max Lot Coverage	20%	--	4%
Min. Open Space	65%	--	88%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.2.B.1	Request to allow a private garage accommodating more than three vehicles and with more than 700 square feet	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N

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 Gregory Schwartz:

1. The site is an appropriate location for the proposed private ten-vehicle garage with a footprint of approximately 5,396 square feet given the property's large size and seclusion (§7.3.3.C.1);
2. The proposed private ten-vehicle garage with a footprint of approximately 5,396 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).

PETITION NUMBER: #514-18

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 02459

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Masonry

EXPLANATORY NOTES: §3.4.2.C.1, request to allow a private garage with provision for more than three cars and exceeding 700 square feet

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 "Plan of Land Showing Proposed Improvements, 244 Dudley Road, Newton, Massachusetts," prepared by A.S. Elliot Associates, dated September 14, 2018, as revised through September 14, 2018, signed and stamped by Elliot J. Paturzo, Professional Land Surveyor.
  - ii. A set of architectural plans entitled "244 Dudley Road, Newton, Massachusetts," prepared by Timothy Burke Architecture, dated May 24, 2018, signed and stamped by Timothy Burke, Registered Architect, consisting of the following sheets:
    - a. Table of Contents (G0.0);
    - b. Plans and Elevations (A1);
    - c. Plans and Elevations (A2).
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. 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. 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. 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.