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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 16, 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
199 Church Street LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow waive the separation requirement for a historic detached accessory apartment, and to further extend a nonconforming accessory building and nonconforming FAR

Applicant: 199 Church Street LLC	
Site: 199 Church Street	SBL: 12013 0016
Zoning: MR1	Lot Area: 10,688 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling with a detached accessory apartment

BACKGROUND:

The property at 199 Church Street consists of a 10,688 square foot lot in the MR1 zoning district improved with a two-family dwelling constructed circa 1851 and a historic detached accessory structure. The petitioner proposes to construct a two-story rear addition to the principal dwelling and to convert the existing detached accessory structure into an accessory apartment, 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 2/22/2022
- Floor plans and elevations, signed and stamped by Mark Sangiolo, architect, dated 11/4/2021, revised 5/5/2022, 6/7/2022, 6/15/2022
- Existing Conditions Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 6/10/2021

ADMINISTRATIVE DETERMINATIONS:

1. The property is improved with a two-family dwelling and a detached accessory building. The petitioner proposes to convert the accessory building into a detached accessory apartment. The Newton Historical Commission has determined that the structure is historically significant under section 22-50 of the Newton City Ordinances. Per section 6.7.1.E.7.a, no special permit is required for the proposed detached accessory apartment use and the size limits on the accessory apartment's habitable space do not apply.
2. Per section 6.7.1.E.7.b, a detached accessory apartment within a historically significant structure must be greater than 15 feet from an existing residential dwelling on an abutting property. The detached accessory apartment is eight feet from the abutting dwelling, requiring a special permit.
3. The detached accessory structure contains two stories, where 1.5 stories is the maximum allowed per section 3.4.3.A.3. As such, the second story is considered nonconforming. A special permit per section 7.8.2.C.2 is required to further extend the nonconforming second story of the detached accessory structure.
4. The petitioner proposes to construct a two-story rear addition to the principal dwelling. The proposed addition adds 780 square feet to the dwelling, increasing the nonconforming FAR from .55 to .62 where .48 is the maximum allowed per sections 3.2.3 and 3.2.11. A special permit per section 7.8.2.C.2 is required to further extend the nonconforming FAR.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	10,688 square feet	No change
Frontage	70 feet	75 feet	No change
Setbacks - Principal			
• Front	25 feet	19.5 feet	No change
• Side	7.5 feet	7.6 feet	8.6 feet
• Side	7.5 feet	28.9 feet	No change
• Rear	15 feet	56.4 feet	43.3 feet
Setbacks – Accessory			
• Front	25 feet	± 110 feet	No change
• Side	5 feet	1.3 feet	No change
• Rear	5 feet	1.5 feet	No change*
Stories –			
• Principal	2.5	2.5	No change
• Accessory	1.5	2	No change
FAR	.48	.55	.62*
Max Lot Coverage	30%	NA	28.8%
Min. Open Space	50%	NA	55.3%

See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§6.7.1.E.7.b	To allow a reduced separation distance between the detached accessory apartment and the abutting dwelling	S.P. per §7.3.3
§3.4.3.A.3 §7.8.2..2	To further extend a nonconforming two-story detached accessory building	S.P. per §7.3.3
§3.2.3 §3.2.11 §7.8.2.C.2	To further increase nonconforming FAR	S.P. per §7.3.3