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Barney S. Heath
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MEMORANDUM

DATE: September 23, 2022

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning

RE: **#400-22 Request for amendment to Section 1.5.2.G.1**
TERRANCE P. MORRIS, ESQ. requesting possible amendment to Section 1.5.2.G.1 Rear Lots, to substitute the word “or” for the words, “which” and “and” as they appear in the 1st sentence of the “Rear Lot” definition.

MEETING: September 28, 2022

CC: City Council
Planning Board
John Lojek, Commissioner of Inspectional Services
Katie Whewell, Chief of Current Planning
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

Overview

The current zoning ordinance allows for rear lot subdivisions in the single residence (SR1, SR2, and SR3) and multi residence (MR1, MR2, and MR3) zoning districts. Rear lot subdivisions allow for large, deep parcels to be subdivided into two lots where the rear lot does not front or abut a street. The City Council must grant a special permit for a rear lot subdivision and aside from the minimum frontage requirement, in all districts rear lots require a larger lot, greater setbacks, and allow less floor area than a standard new lot. A rear lot is required to provide a minimum 20-foot wide vehicular access by easement, private right of way, or a “flag pole” or “pan-handle” shaped portion of the lot. In the single residence districts only a single family home may be located on the rear lot and in the multi residence districts the rear lot may contain a two family home.

The subject docket item would expand the definition of a rear lot to also include lots which do not meet the minimum frontage requirements. This docket item has been filed in conjunction with a special permit application for a rear lot subdivision at 113 Grove Street. The property at 113 Grove Street is a large lot that fronts Grove Street and also has 30 feet of frontage at the end of Lasell Street. Due to the

frontage on Lasell Street this property would not meet the definition of a rear lot per section 1.5.2.G.1 of the zoning ordinance.

The docket item proposes revising the rear lot definition as follows:

G. Rear Lots

1. A rear lot is defined as a parcel of land not fronting or abutting a street, ~~which or~~ does not have the required minimum frontage directly on a street, ~~and or~~ which has limited access to a street by either:

- a. A “flag pole” or “pan-handle” shaped portion of the lot.
- b. An easement over an adjoining lot possessing frontage directly on the street, or
- c. A private right-of-way as shown or described in plans or deeds duly recorded with the Registry of Deeds for the Southern District of Middlesex County.

2. Where the City Council issues a special permit, a rear lot may satisfy the minimum frontage requirement for the zoning district in which it is located by measuring lot frontage along the rear line of the lot or lots in front of it.

If the Committee would like to set a public hearing for this item, planning staff recommends modifying the language to reduce potential confusion. The proposed language could classify lots with substandard frontage as rear lots. Instead, Planning recommends adding a new section that gives the City Council the authority to grant a rear lot subdivision on through lots where there is insufficient frontage along one street.

Next Steps

If the Committee sets a public hearing for this item Planning will work with the Law department to further refine the proposed language.