

phs (1) through (10) thereof [(b) of this section] and  
 purpose listed in paragraph (6) thereof [(b) of this  
 section] and the purpose listed in paragraph (6) thereof [(b)  
 section] in accordance with the provisions of section  
 Rev. Ords. 1965, § 25-12; Ord. No. 305, 6-17-69)

**4-13. Minimum lot areas and widths.**

In residence districts, except as provided in section  
 and in this section, there shall be provided for each  
 or two-family dwelling erected the following  
 minimum lot areas and minimum lot widths respectively:

	Lot Area (square feet)	Lot Width (feet)
Residence A .....	25,000	140
Residence B .....	15,000	100
Residence C, private		
Residence D or E .....	10,000	80

to single- or two-family dwellings erected on lots  
 on or before December 7, 1953 were shown as such on  
 assessors' plans filed in the assessors' office, or on  
 vision plans tentatively approved by the planning  
 board acting as a board of survey, or on plans duly recorded  
 in the Middlesex South District Registry of Deeds, or as to  
 unrecorded land filed with the recorder of the land court or  
 which were described as such in deeds duly recorded with  
 the registry of deeds prior to such date, such minimum lot  
 areas and minimum lot widths shall be, except as provided  
 in subsection (d) of this section, as follows:

	Lot Area (square feet)	Lot Width (feet)
Single residence A .....	15,000	100
Single residence B .....	10,000	80
Single residence C, private		
Residence D or E .....	7,000	70

(d) In the case of a lot on a street, the line of which has a  
 curve with a radius of less than two hundred (200) feet, the

required lot width shall be measured along the setback line.  
 In the case of a lot on a street and a public footway, the  
 required lot width may be measured along the public  
 footway with the permission of the board of aldermen in  
 accordance with the procedure provided in section 24-29. In  
 the case of a rear lot not having the required width on a  
 street, the required lot width may be measured along the  
 rear line of the lot or lots in front of it with the permission  
 of the board of aldermen in accordance with the procedure  
 provided in section 24-29. In all other cases the required lot  
 width shall be measured on the street line. In the case of  
 corner lots, the width when measured on the street line  
 shall run to the point of intersection of the two (2) street  
 lines.

(c) Except as provided in sections 24-6(c) and 24-6(e), no  
 new buildings shall be constructed and no existing buildings  
 shall be altered, extended or reconstructed to provide living  
 quarters for more than one family for each three thousand  
 (3,000) square feet of lot area in private residence and  
 residence D districts and for each twelve hundred (1,200)  
 square feet of lot area in residence E and in business A and  
 B districts; provided, that in business A and B districts, the  
 board of aldermen may give permission in accordance with  
 the procedure provided in section 24-29 for the construction  
 of apartment houses, apartment hotels or other multifamily  
 dwellings, separately or in combination with other permitted  
 uses, with a lesser lot area requirement for each family, if  
 circumstances warrant such modification, but in no case  
 less than five hundred (500) feet of lot area per family.

(d) Subsections (a) and (b) of this section shall not apply  
 to lots not in compliance therewith which, prior to October  
 11, 1940, were shown as separate parcels on the assessors'  
 plans filed in the assessors' office and were assessed as  
 such, or were so shown on subdivision plans approved by  
 the planning board acting as a board of survey, or were so  
 shown or described in plans or deeds duly recorded with the  
 Middlesex South District Registry of Deeds; provided, that  
 such subsections shall apply to any such lot the lot lines of  
 which shall have been changed since October 11, 1940;

1995

(a) In any instance where a density or dimensional control(s) is not set forth in the Tables below for a use which may be granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where such use is allowed as of right shall be applicable to such use when granted by special permit, unless otherwise required in the special permit by the board of aldermen.

(b) Lot frontage.

- (1) In the case of a lot on a street, the line of which has a curve with a radius of less than two hundred (200) feet, the required lot frontage shall be measured along the setback line;
- (2) In the case of a lot on a street and a public footway, the required lot frontage may be measured along the public footway with the permission of the board of aldermen in accordance with the procedure provided in section 30-24;
- (3) In the case of corner lots, the frontage when measured on the street line shall run to the point of intersection of the two (2) street lines;
- (4) In the case of a rear lot not having the required frontage on a street, the required lot frontage may be measured along the rear line of the lot or lots in front of it with the permission of the board of aldermen in accordance with the procedure provided in section 30-24;
- (5) In all other cases the required lot frontage shall be measured on the street line.

(c) The minimum lot area, lot frontage, maximum building lot coverage and minimum open space requirements set forth in Table 1 below which are applicable to as-of-right uses in all Single Residence

Districts and in Multi-Residence Districts 1, 2 and 3 (hereinafter referred to in this subsection as the "dimensional and density controls") shall not apply to lots not in compliance therewith which, prior to October 11, 1940, were shown as separate parcels on the assessing' plans filed in the assessing' office and were assessed as such, or were so shown on subdivision plans approved by the planning board acting as a board of survey, or were so shown or described in plans or deeds duly recorded with the Middlesex South District Registry of Deeds; provided, that such dimensional and density controls shall apply to any such lot the lot lines of which shall have been changed since October 11, 1940; provided further, that if at any time subsequent to 1950 two (2) or more contiguous lots with frontage upon a common street shall be in common ownership, the dimensional and density controls shall apply to the extent that it is possible by combining such lots, or by resubdivision thereof by straight line boundaries and without bringing the location of any buildings thereon into violation of the provisions of the setbacks required in Table 1 below to provide at least one or more lots, each of which complies, or more nearly complies, than theretofore with such dimensional and density controls, such combination to be made to provide as many fully complying lots as possible. In the event that the dimensional and density controls are made applicable, by operation of either of the foregoing provisions of this subsection to any lot or lots to which, as originally constituted, the provisions of Table 1 applicable to lots created prior to December 7, 1953 would have been applicable, the minimum lot areas, lot frontage, maximum building lot coverage and minimum open space requirements applicable to the changed, combined or resubdivided lot or lots shall be those set forth in Table 1 for lots created prior to December 7, 1953.

**(r) Requirements For Creation of Rear Lots in Residential Districts.**

*Purpose:* The purpose of this subsection is to eliminate or mitigate against potential undesirable development impacts on adjacent residential uses and neighborhoods by the application of the density and dimensional controls set out in Table 4 of this subsection as well as through the requirement of a special permit that shall include, but not be limited to, a review of proposed building placement and buffering.

**(1) Definition of rear lot.**

A rear lot is defined as a parcel of land not fronting or abutting a street, as defined in section 30-1, which does not have the required minimum frontage directly on a street, and which has limited access to a street by either (1) a "flag pole" or "pan-handle" shaped portion of the lot, (2) an easement over an adjoining lot possessing frontage directly on the street, or (3) a private right-of-way as shown or described in plans or deeds duly recorded with the Middlesex (South) Registry of Deeds. A rear lot may, with the permission of the board of aldermen in accordance with the procedure provided in section 30-24, 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.

**(2) Administration.**

a) Creation of rear lots in residential zoning districts shall require a special permit from the board of aldermen in accordance with the procedure provided in section 30-24. The rear lot development density and dimensional controls in section 30-15(r), Table 4, shall apply to the proposed rear lot(s) and the remainder of the original lot shall be subject to the density and dimensional controls of section 30-15; Table 1, for lots created after December 7, 1953, unless waivers from either of such controls are granted by the board of aldermen in accordance with the section 30-15(r) (3) below.

b) The provisions of section 30-26 shall not apply to the creation of rear lots under this subsection.

c) In addition to the provisions of section 30-23 and 30-24, general application requirements and criteria for grant of a special permit for a rear lot development are as follows:

i) Applicants must submit a sufficient number of copies of architectural plans for all proposed residential buildings and structures, a landscape plan, site plan, and an area plan showing distances from proposed building(s) or structure(s) to existing residential buildings and structures used for accessory purposes on the original lot and all abutting lots, along with information on the heights and number of stories of these existing building(s) or structure(s). All plans must be prepared, stamped and signed, as appropriate, by an architect, landscape architect, professional engineer or registered land surveyor.

ii) The board of aldermen shall consider the special permit application for a rear lot development in light of the following criteria:

(a) Whether the proposed building(s) or structure(s) exceed the respective average height of abutting residential buildings and structures used for accessory purposes;

(b) The scale of a proposed building(s) or structure(s) in relation to adjacent residential buildings and structures used for accessory purposes and the character of the neighborhood;

(c) Topographic differentials, if any, between proposed building(s) or structure(s) and adjacent residential buildings and structures used for accessory purposes;

(d) Proposed landscape screening;

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.



Bk: 41401 Pg: 594  
Recorded: 11/10/2003  
Document: 00001170 Page: 1 of 6

*JLB*

#206-03

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

September 2, 2003

2003 SEP -4 PM 12: 21  
CITY CLERK  
NEWTON, MA. 02159

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action 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, hereby grants the following **SPECIAL PERMIT TO RESUBDIVIDE TWO LOTS AND MEASURE THE FRONTAGE OF ONE NEW LOT ALONG THE REAR OF THE OTHER NEW LOT and SITE PLAN APPROVAL** in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the public convenience and welfare will be served through the reconfiguration of the two lots because:
  - a. The two new lots will be more usable for two new single-family residences;
  - b. A new unit of housing will be created on the new rear lot that will be compatible in scale and massing with the existing Valley Spring Road neighborhood;
  - c. The new house on Kenrick Street will replace an older house that is in need of repair;
  - d. The two new residences have been engineered with systems which will improve on-site drainage;
  - e. The existing sidewalk adjacent to the lot on Kenrick Street will be improved; and
  - f. The new rear lot will have direct vehicular access onto Valley Spring Road, which will eliminate the need for an additional curbcut on Kenrick Street.

11/10/03 PLAN NUMBER: 00001149

SEE PLAN IN RECORD BOOK PAGE

91.00

1170

PETITION NUMBER: #206-03

PETITIONER: Thomas McDonagh and Andrew Gordon

LOCATION: 294 Kenrick Street, Ward 7, Newton, on land known as Section 72, Block 39, Lots 10 and 11, containing approximately 39,241 square feet of land

A True Copy  
Attest  
*Thomas M. Basham*

32879-198

WSD 11/10/03 02:47:22

APPROVAL OF THIS PLAN UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED

DATE \_\_\_\_\_

Clerk - Planning Board  
Acting as a Board of Survey

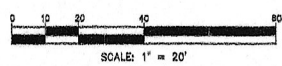
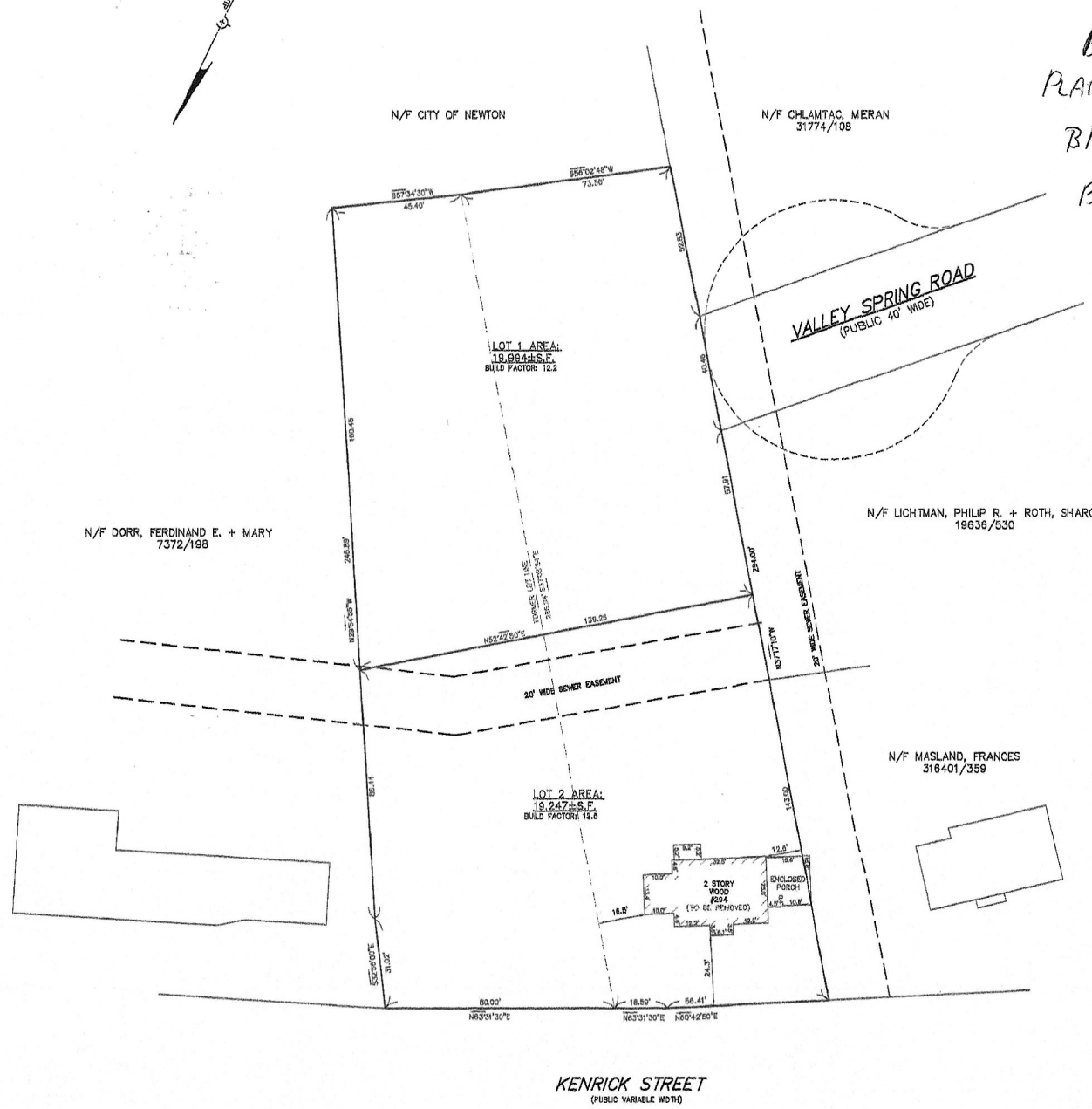
THE ABOVE ENDORSEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH ZONING REGULATIONS.  
SEE BOARD OF ALDERMAN ORDER # 206-03

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

*JAMES J. ABEL*  
JAMES J. ABEL, R.S. 1988  
10/7/02  
DATE



BK 6583-59  
PLAN BK 413 PLAN 87  
BK 8574 419  
BK " 456



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