



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, August 22, 2023**

**Present:** Councilors Lipof (Chair), Kelley, Bowman, Downs, Greenberg, Laredo, Lucas, and Markiewicz

**Also Present:** Councilors Leary, Oliver, and Wright

**City Staff Present:** Senior Planner Cat Kemmett, Chief Planner Katie Whewell, Deputy Chief Planner Alyssa Sandoval and Assistant City Solicitor Jonah Temple

All Special Permit Plans, Designs, Plan Memoranda and Application Materials, both past and present, can be found at the following link: [NewGov - City of Newton Land Use Committee Special Permit Search](#).

The full video of the August 22, 2023, Land Use Meeting can be found at the following link: [August 22- Land Use Meeting](#)

**#259-23      Request for a special permit to reduce required lot area by 5% at 52 Sharpe Road**  
EDWARD AND LANA LUKATSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow for a 5% reduction in the lot area requirement at 52 Sharpe Road, Ward 8, Newton Centre, on land known as Section 81 Block 11 Lot 15, containing approximately 14,351 sq. ft. of ]land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 3.1.3, 7.8.4.E of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 6-0-1 (Councilor Laredo Abstaining and Councilor Downs Not Voting); Public Hearing Closed**

**Note:**          Deputy Chief Planner Alyssa Sandoval presented the attached request for a special permit at 52 Sharpe Road. The request is to reduce the required lot area by up to 5%. The presentation is attached, and additional back-up can be found at the following link: [52 Sharpe Road- Petition Documents](#). Due to a conveyance of property in 2007 the size of the lot was reduced under 15,000 square feet making the lot undersized for the zoning district stopping planned construction of a new house. The neighborhood surrounding the lot is made up of single-family residences.

Franklin Schwartzer, Schlesinger and Buchbinder, on behalf of the petitioner noted he agreed with the prior presentation.

A Councilor noted this house was transferred and approved without the square footage being noticed before trying to get a building permit.

The public hearing was opened. No member of the public spoke on the item.

The public hearing was closed.

The Committee discussed the draft Council Order, and Councilor Bowman motioned to approve which passed 6-0-1 (Councilor Laredo abstaining and Councilor Downs not voting)

**#264-23 Request to amend the site plan associated with Special Permit #179-15 at 1349 Centre Street**

MYRTHA CHANG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the site plan associated with the special permit to reflect additional paving on site at 1349 Centre Street, Ward 6, Newton Centre, on land known as Section 51 Block 04 Lot 03, containing approximately 10,579 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec. 7.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Held 7-0 (Councilor Downs Not Voting); Public Hearing Opened

**Note:** Chief Planner Katie Whewell presented the attached request for a special permit at 1349 Centre Street. The request is to amend the site plan associated with the special permit to reflect additional paving. The presentation is attached, and additional back-up can be found at the following link: [1349 Centre Street- Petition Documents](#) . Ms. Whewell noted that it was discovered earlier today that additional relief will be needed for 5 previously altered parking stalls. This will need to be renoticed before the committee votes on the permit.

A Councilor noted that this will have to be held tonight, due to the fact this will have to be renoticed.

The public hearing was opened. No member of the public spoke on the item.

Councilor Laredo made a motion to hold which passed unanimously.

**#266-23 Request to allow parking in the front setback at 89-91 Crafts Street**

MAYA SERHAL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to expand the existing parking area on the southeastern lot line, resulting in three vehicles within the front setback at 89-91 Crafts Street, Ward 1, Newton, on land known as Section 14 Block 17 Lot 22, containing approximately 8,346 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 7-0 (Councilor Downs Abstaining); Public Hearing Closed

**Note:** Deputy Chief Planner Alyssa Sandoval presented the attached request for a special permit at 89-91 Crafts Street. The request is to allow parking in the front setback. The presentation is attached, and additional back-up can be found at the following link: [89-91 Crafts Street- Petition Documents](#) . This will add a third parking spot to the lot. The parking stall will be made with pavers and landscaping will be installed to help screen parking from the street. The petitioner will have to provide a stamped proposed engineering plan to show compliance with open space requirements in the building permit process.

A Councilor clarified the petitioner would still have to provide a stamped engineering plan to show compliance with open space requirements.

Ms. Sandoval answered in the affirmative.

Maya Serhal, petitioner noted that she will provide a stamped plan. Noted that she is still above the 50% of open space. Noted she would try to add as much landscaping as possible.

The public hearing was opened.

Terry Sauro, 44 Cook Street, noted displeasure with approving projects with not sufficient parking and a lack of greenspace in the front.

A Councilor noted this plan would add green space to the front of the yard.

A Councilor noted support of this item even though normally the Councilor has displeasure with added parking in the front. Would like to see more landscaping in the front of the yard.

A Councilor supported this project and clarified this was not previously approved, but was a by right project, and Ms. Serhal believed she was getting three parking spots when she purchased the property.

A Councilor questioned if the crushed stone would be replaced with pavement on the right side and landscaping on the left side of the lot. Asked if crush stone was counted as open space.

Ms. Serhal noted that the crushed stoned on the right would be replaced with pavers, and the crushed stone on the left side would be replaced with landscaping.

A Councilor noted the crushed stone does count as open space, and hoped when this is competed there is enforcement that the greenspace plan is followed

A Councilor noted support of the additional landscaping, and that the crushed stone left in the front will make it difficult and messy when cleaning snow in the wintertime.

The public hearing was closed.

The Committee discussed the draft Council Order, and Councilor Greenberg motioned to approve which passed 7-0 (Councilor Downs not voting)

**#262-23 Request to waive the separation requirement for a historic detached accessory apartment, to further extend nonconforming height and footprint and to exceed FAR at 193 Lake Avenue**

ROBERT AND LAURA KAY HUGHES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to renovate and expand the detached accessory building for use as an accessory apartment with dimensional waivers at 193 Lake Avenue, Ward 6, Newton Highlands, on land known as Section 52 Block 17 Lot 05, containing approximately 26,818 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 6.7.1.E.7.B, 3.4.3.A.3, 3.4.3.A.4, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Held; Public Hearing Opened

**Note:** Chief Planner Katie Whewell presented the attached request for a special permit at 193 Lake Avenue. The request is to renovate and expand the detached accessory building for use as an accessory apartment with dimensional waivers. The presentation is attached, and additional back-up can

be found at the following link: [193 Lake Avenue- Petition Documents](#) . There will be a one and a half story expansion on the eastern side of accessory building. The addition alters the grade of the structure rendering the height as nonconforming. However the building ridgeline will not be increased. The Newton Historical Commission has determined the accessory building to be historically significant.

Kathy Winters, Schlesinger and Buchbinder, on behalf of the petitioner, noted the property was acquired in 2019, and the Hughes have done extensive renovations to the main house. The neighbors at 24 Saxon Terrace directly abuts the carriage house. The petitioners' kids will use the space as a place to hang out, and Bob will have a study. In the future it may be used as an apartment for their child who has ongoing medical issues when he reaches adulthood. It was noted that exterior alterations must preserve the historic character and integrity of the building subject to jurisdiction by the Historical Commission. It was noted the petitioners discussed the project with their abutters at 24 Saxon Terrace who expressed concerns the addition would impact their views from their second-floor windows. The petitioners felt this would not be the case as the building's height would not be increased.

Tobin Shulman, SV Design, architect of the project explained the design of the proposed plans. Noted the height of the building would not change.

The public hearing was opened.

Dan Weiner, 24 Saxon Terrace, expressed concern about the plan. Noted all the traffic comes onto Saxon Terrace from this property and worried about increased traffic to the street. Wants the Carriage House preserved without expanding the size. His garage shares a common wall with the Carriage House. Noted he was not informed of the project until the City Public Hearing Notice. Expressed concerns about their view being impacted and what the construction work could do to their garage. Would like this to be held.

Sarah Cole, 21 Saxon Terrace, expressed parking concerns with the addition of an accessory apartment.

Councilors noted the desire for petitioners to talk with their neighbors before coming before the committee, and the desire to hold the item tonight. Noted because of the shared wall there is a desire for communication between the neighbors.

Robert Hughes expressed this has been a multiyear project but noted that there could have been more outreach for this particular project.

Councilor Laredo made a motion to hold which passed unanimously.

**#263-23 Request to change from a nonconforming two-family dwelling use to two single-family dwellings on one lot at 373 Lexington Street**

JON HOLLINGSWORTH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing nonconforming two-family dwelling into a single-family dwelling and to convert the accessory building into a second single-family dwelling where the City Council determines the dimensional controls at 373 Lexington Street, Ward 4, Auburndale, on land known as Section 41 Block 17 Lot 12, containing approximately 10,030 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 3.4.1, 7.8.2.C.2, 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action: Land Use Held 8-0; Public Hearing Opened**

**Note:** Senior Planner Cat Kemmett presented the attached request for a special permit at 373 Lexington Street. The request is to change from a nonconforming two-family dwelling use to two single-family dwellings on one lot. The presentation is attached, and additional back-up can be found at the following link: [373 Lexington Street- Petition Documents](#) . In 2007, the petitioner received a special permit for a detached garage, but it was not constructed according to plans approved. In 2011, a special permit was passed to legitimize the structure but the order was never recorded. This resulted in enforcement from Inspectional Services. This item is to remedy the noncompliance.

The Public Hearing was opened.

Peter Robertson, 210 Melrose st, noted concerns that the petitioners never approached him regarding the plans of the project. Would like it to be held so he can understand the plans and work with the petitioner. Appreciated the outreach by Terry Morris the petitioner's lawyer.

A Councilor asked if this is the same petitioner that received the previous special permits.

Terry Morris, representing the petitioner noted it is the same petitioner. Will work with Mr. Robertson to get the records he desires.

A Councilor noted that this will not be voted on, as the lawyer for the petitioner asked for it to be held as the neighbors could not make it to the proceedings tonight.

Councilor Markiewicz made a motion to hold which passed unanimously.

**#265-23 Request to extend a nonconforming residential use to allow a 3-unit multi-family dwelling, to extend nonconforming front, side and rear setbacks, to allow up to 36 feet in height, and waivers for parking at 43 Crafts Street**  
KOSHER K LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing dwelling and construct a three- story, three-unit multi-family dwelling with surface parking for three vehicles at 43 Crafts Street, Ward 1, Newton, on land known as Section 14 Block 23 Lot 11, containing approximately 1,789 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 4.4.1, 7.8.2.C.2, 4.3.3, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Actions: Land Use Approved 7-0-1 (Councilor Laredo Abstaining); Public Hearing Closed**

**Note:** Senior Planner Cat Kemmett presented the attached request for a special permit at 43 Crafts Street. The request is to extend a nonconforming residential use to allow a 3-unit multi-family dwelling, to extend nonconforming front, side and rear setbacks, to allow up to 36 feet in height, and waivers for parking. The presentation is attached, and additional back-up can be found at the following link: [43 Crafts Street- Petition Documents](#) . The existing dwelling will be demolished, and three-unit dwelling will be constructed. The parking will be Y shaped with tandem parking and one parking spot running parallel. The proposed structure is taller than the existing building but occupies the same footprint. It will be made up of units below 1000 square feet, introducing smaller units which has been identified as a priority by City Council and the comprehensive plan.

Laurance Lee, Rosenberg, Freedman and Lee LLP, on behalf of the petitioner, noted that there was a neighborhood discussion and tried to address concerns. The motivation behind the 3 smaller units is that

it is rare to have these types of units in Newton. They were asked to explore a single-family structure, but the petitioner thought in terms of affordability and type of house this was most appropriate for the site.

A councilor noted that a prior address of the councilor's business was 29 Craft St, but the business has since moved, and is not an abutter of this property.

The public hearing was opened.

Al Cecchinelli, 224 Chapel Street, expressed concern about the design of the parking and how it could lead to a bottleneck with residents not being able to park in their spot. Feels this will lead to people parking in the street. Believes they should have to follow the zoning requirements for a three-family unit.

Karl Svartstrom, Newton Resident, noted an issue with affordable housing in the neighborhood and believes this project will help with that.

Janine Stewart, 251 Adams Street, noted concern with parking and snow and trash removal.

Terry Sauro, 44 Cook Street, expressed concern with parking, and wanted a single-family residence.

Antonio Caruso, 69 Crafts Street is supportive of project, has no concerns about the parking, and believes it will bring affordable units to the area.

A Councilor noted pleasure that this lot is being redeveloped. Asked about trash and snow removal, if the building is all electric, if new sidewalks will be installed, and if it will be condos.

Mr. Lee stated that trash will be picked up by the City, the snow removal will be handled by the owners, it will be an all-electric building, new sidewalks will be installed, and it is the intention that this will be all condos.

Councilors noted they were happy that this is being redeveloped.

A Councilor questioned how the cars will be aligned and assigned. Noted desire to not have assigned parking spots. Asked if the tree on Lincoln road will remain.

Mr. Lee noted that the tenants will share keys, and they can have either assigned or not assigned parking spots. Noted the intention is for the tree to be retained.

Councilors stated three micro units is a terrific use of this property, and it will provide affordable home units for individuals. Felt that a single-family house would not work at this property. Believed this will be self-selecting, meaning people that want to live in these types of units will choose to live here.

A Councilor noted a desire to put a condition in that it cannot be used as a short-term rental.

A Councilor noted that under regulation a whole unit cannot be rented out as a short-term rental, but an individual has to live in the unit with them three months out of the year.

A Councilor noted a desire to have a condition written into the council order to mandate home ownership. Would like to see more condo units approved.

Assistant City Solicitor Jonah Temple noted it is not recommended to write in a requirement for development to be mandated for specific use.

Mr. Lee noted that when conditions are put in council orders that mandate specific use, it might result in a future amendment if market conditions change. Would like to see the flexibility of use be retained.

A Councilor noted that with market conditions it might be built, and then be rented out for a brief period of time and then sold as condo when market conditions determine its feasible.

The Committee discussed the draft Council Order, and Councilor Greenberg motioned to approve which passed 7-0-1 (Councilor Laredo abstained)

The public hearing is closed.

The Committee adjourned at 9:00 pm.

**Respectfully Submitted,**

**Richard Lipof, Chair**

# City of Newton Planning and Development

## Petition #259-23

Special Permit/Site Plan Approval to reduce the required lot area by up to 5% at 52 Sharpe Road

**August 22, 2023**



**52 Sharpe Road**  
(prior to demolition)

1

# Zoning Relief

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §7.8.4.E	Request to reduce required lot area by up to 5%	S.P. per §7.3.3

- **2007:** Lot reduced to 14,351 SF as part of adverse possession claim resolution
- **2022:** Historic District Commission determined home not historically significant and home demolished
- **2023:** New Owner seeks Building permit for new home and does not comply with min lot size requirement of 15,000 SF

2



# Criteria to Consider

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed subdivision that requires waivers for frontage and lot area.
- The reduction in lot area will adversely affect the neighborhood.
- There will be no nuisance or serious hazard to vehicles or pedestrians.
- Access to the site over streets is appropriate for the types and numbers of vehicles involved.
- The proposed reduction in lot area, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood.
- The proposed reduction in lot area does not create a nonconformity that did not previously exist with respect to frontage, lot area per unit, front setback, side setback, rear setback, height, number of stories, lot coverage percentage, or usable open space percentage.

3

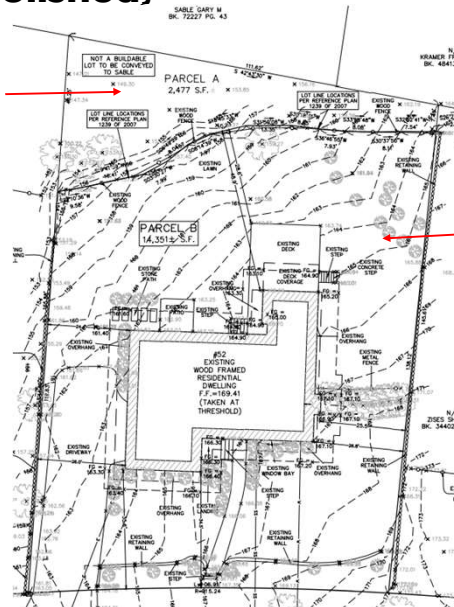
## Aerial Map



4

# Existing Conditions Site Plan (house has been demolished)

**Parcel A: 2,477 SF**  
(Parcel A conveyed in 2007 to neighbor)



**Parcel B: 14,351SF**

5

# Photos



6

## Photos



7

## Findings

1. *The proposed reduction in lot area, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. The neighborhood contains lots that are similar in size and any new single-family home proposed on the lot will need to comply with new lot standards. (§4.1.3, §4.4.1, §7.3.3.C.1)*
2. *The proposed reduction in lot area does not create a nonconformity that did not previously exist. (§3.1.3, §7.8.4.E, §7.8.4.F)*
3. *The site is an appropriate location for the lot that requires a waiver for lot area because the proposed lot size is similar to sizes of single-family residential properties on the same street. (§7.3.3.C.1)*
4. *The reduction in lot area will not adversely affect the neighborhood because it is an insignificant reduction of size that will not visually impact the neighborhood and will allow the lot to be developable which will have greater benefits to the neighborhood than a vacant lot. (§7.3.3.C.2)*
5. *There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)*
6. *Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)*

8

## Conditions

- + *Plan Referencing Condition*
- + *Standard Building Permit Condition*
- + *Administrative Review of By-Right Building on Lot*

# City of Newton Planning and Development

## Petition #264-23

Special Permit/Site Plan Approval to amend the site plan associated with the special permit to reflect additional paving on site



**1349 Centre Street**

**August 22, 2023**

1

## Zoning Relief

Zoning Relief Required		
Ordinance		Action Required
	To amend Special Permit #179-15	S.P. per §7.3.3

**8/22: Additional relief required due to the parking facility being altered/modified, thus triggering zoning requirements for parking facilities over 5 stalls.**

**Below relief needs to be noticed and advertised as such, cannot be voted tonight.**

Zoning Relief Required		
Ordinance		Action Required
	To amend Special Permit #179-15	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within five feet of a front lot line	S.P. per §7.3.3
§5.1.9.A §5.1.13	To waive the perimeter screening requirement	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive the lighting requirement	S.P. per §7.3.3

2

# Criteria to Consider

When reviewing this request, the Council should consider whether:

1. The specific site is an appropriate location for the amendment to Special Permit #179-15 to allow approximately 188 square feet of additional paved area.
2. The approximately 188 square feet of additional paved area will not adversely affect the neighborhood.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved.

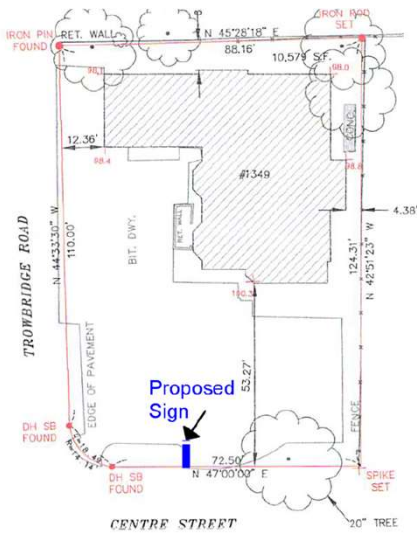
3

## Aerial Map

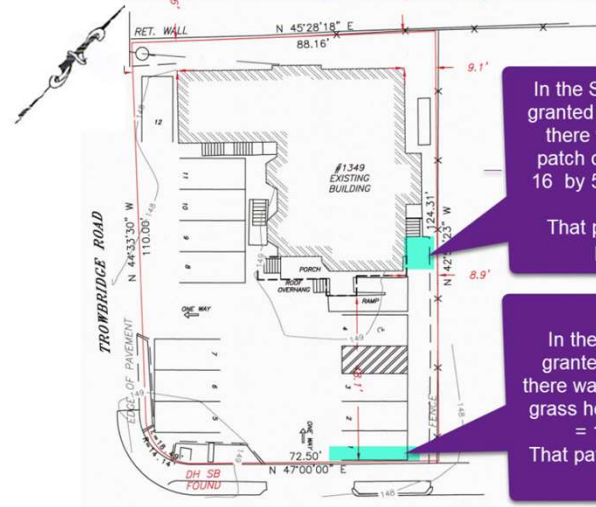


4

### Site Plan- approved by SP #179-15 and proposed



Approved Site Plan (2015)



Proposed Site Plan  
detail provided by petitioner

In the Special Permit granted and recorded, there was a green patch of grass here. 16 by 5 feet = 80 sq. feet. That patch is now paved.

In the Special Permit granted and recorded, there was a green patch of grass here. 26 by 4 feet = 108 sq. feet. That patch is now paved.

5

### Photos



6

## Photos



7

## Findings

1. The specific site is an appropriate location for the amendment to Special Permit #179-15 to allow approximately 188 square feet of additional paved area given its location along a commercial section of Centre Street. (§7.3.3.C.1)
2. The approximately 188 square feet of additional paved area will not adversely affect the neighborhood given the site's its location along a commercial section of Centre Street. (§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)

8



## Conditions

- + Plan Referencing Condition

*"1. All conditions set forth in Special Permit/Site Plan Approval #179-15 shall remain in full force and effect with the exception that the following plan is substituted for the plan identified in Condition 1(b) ..."*

- + Standard Building Permit Condition

- + Standard Certificate of Occupancy Condition

# City of Newton Planning and Development

## Petition #266-23

Special Permit/Site Plan Approval to to allow parking within the front setback at 89-91 Crafts Street

**August 22, 2023**



**89-91 Crafts Street**

1

# Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.7.A §5.1.13	Request to allow a parking stall in the front setback	S.P. per §7.3.3

2

# Criteria to Consider

When reviewing this request, the Council should consider whether:

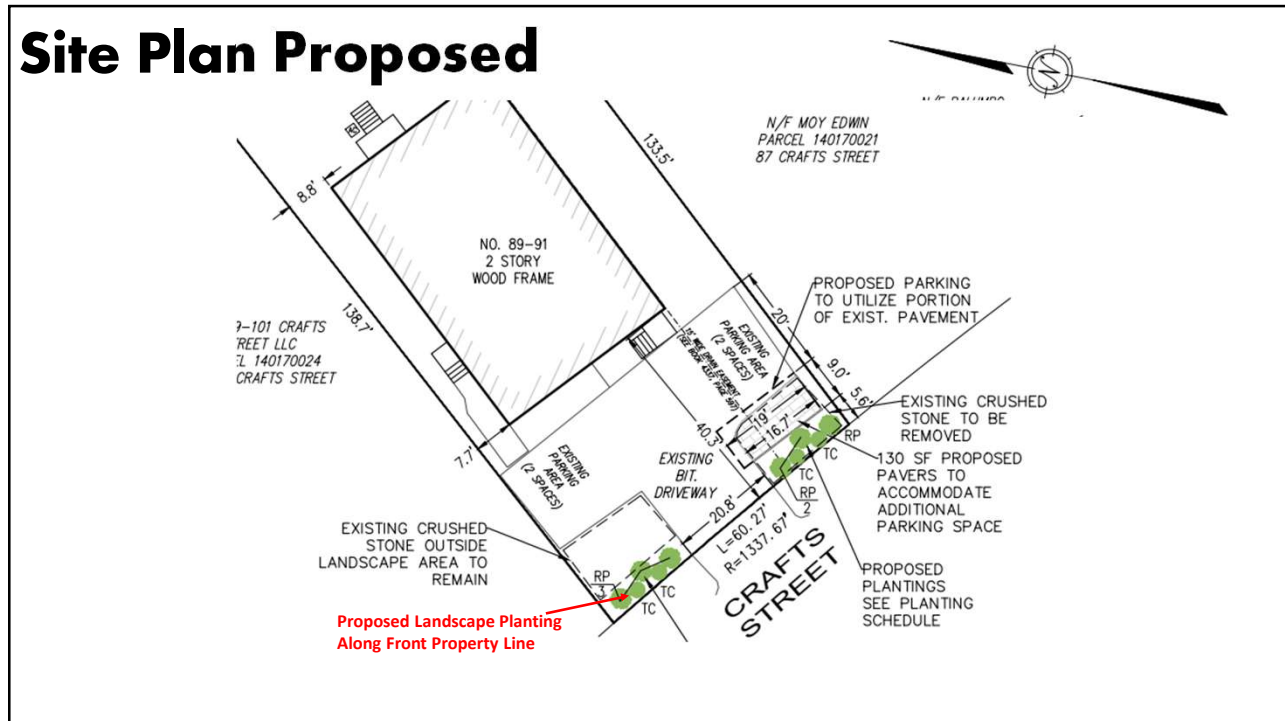
- The site is an appropriate location for the proposed additional parking stall within the front setback.
- The additional parking stall within the front setback will adversely affect the neighborhood.
- There will be no nuisance or serious hazard to vehicles or pedestrians.
- Access to the site over streets is appropriate for the types and numbers of vehicles involved.
- Literal compliance with the allowed number of parking stalls within the front setback is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features.

3

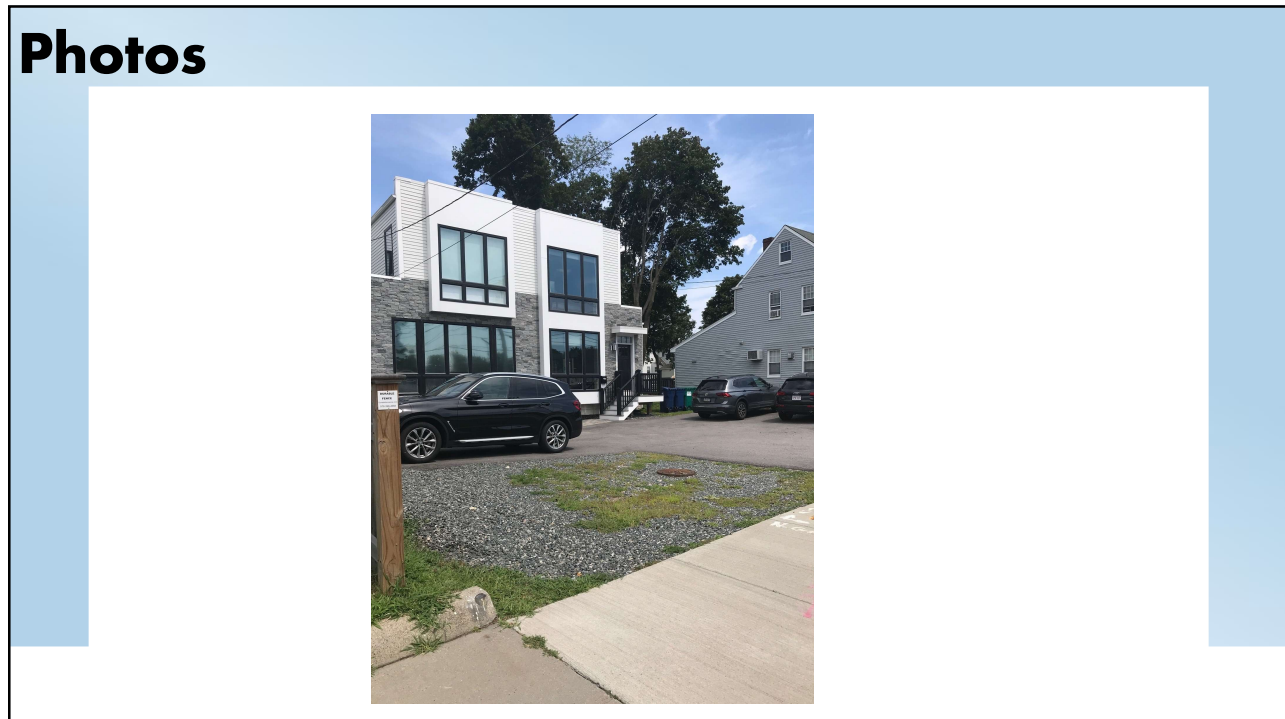
## Aerial Map



4



5



6

## Photos



7

## Findings

1. *The site is an appropriate location for the proposed parking stall within the front setback because the parking will be located adjacent to existing parking and accessed by the existing driveway.*
2. *The additional parking stall within the front setback will not adversely affect the neighborhood because the stall will be adjacent to existing parking, there will be no modifications to the driveway or curb cut, and the site will be improved with landscaping to screen the parking area.*
3. *There will be no nuisance or serious hazard to vehicles or pedestrians because the curb cut and configuration of the driveway will be similar to the existing conditions.*
4. *Access to the site over streets is appropriate for the types and numbers of vehicles involved.*
5. *Literal compliance with the dimensional parking requirements is impracticable because the constraints of the specific site and there is not a suitable alternate location for the parking.*

8

## Conditions

- + *Plan Referencing Condition*
- + *Standard Building Permit Condition*
- + *Standard Final Inspection Condition*

# City of Newton Planning and Development

**Petition #262-23**

Special Permit/Site Plan Approval to renovate and expand the detached accessory building for use as an accessory apartment with dimensional waivers



**193 Lake Avenue**

**August 22, 2023**

1

# Zoning Relief

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 increase the nonconforming height of an accessory building	S.P. per §7.3.3
§3.4.3.A.4 §7.8.2.C.2	To further enlarge the nonconforming ground floor area of an accessory building	S.P. per §7.3.3
§3.1.3 §3.1.9	To exceed FAR	S.P. per §7.3.3

2

## Criteria to Consider

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed detached accessory apartment as designed with dimensional waivers relative to location and size of the structure, including an FAR of .37 where .35 is the maximum allowed as of right. (§7.3.3.1)
- The proposed detached accessory apartment as designed with dimensional waivers relative to location and size of the structure, including an FAR of .37 where .35 is the maximum allowed as of right as developed and operated will not adversely affect the neighborhood. (§7.3.3.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.4)

3

## Criteria to Consider (cont.)

When reviewing this request, the Council should consider whether:

- The proposed expanded structure which exceeds the FAR is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.9)
- The proposed expanded structure with an increased nonconforming 22.7 foot height and an increased nonconforming ground floor area of 1,623 square feet shall not be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)

4





# Elevations- proposed



7

# Photos



8

## Photos



9

## Findings

1. The specific site is an appropriate location for the proposed detached accessory apartment as designed with dimensional waivers relative to location and size of the structure, including an FAR of .37 where .35 is the maximum allowed as of right, as, **given the topography and size of the parcel, it will have limited, if any visibility from nearby public ways and/or residences.** (§7.3.3.1)
2. The proposed detached accessory apartment, as designed with dimensional waivers relative to location and size of the structure, including an FAR of .37 where .35 is the maximum allowed as of right, as developed and operated will not adversely affect the neighborhood **given much of the granted zoning relief reflects the existing historic structure, that the size of the parcel, and the addition will have limited, if any, visibility from nearby public ways and/or residences.** (§7.3.3.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.4)
5. The proposed expanded structure with an FAR of .37 where .35 is the maximum allowed as of right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because **the addition is complementary of the existing historically significant accessory building.** (§3.1.9)
6. The proposed expanded structure with an increased nonconforming 22.7 foot height and an increased nonconforming ground floor area of 1,623 square feet shall not be substantially more detrimental than the existing nonconforming use to the neighborhood as, **given the topography and size of the parcel, it will have limited if any visibility from nearby public ways and/or residences.** (§7.8.2.C.2)

10

## Conditions

- + Plan Referencing Condition
- + Standard Building Permit Condition
- + Standard Final Inspection/Certificate of Occupancy Condition







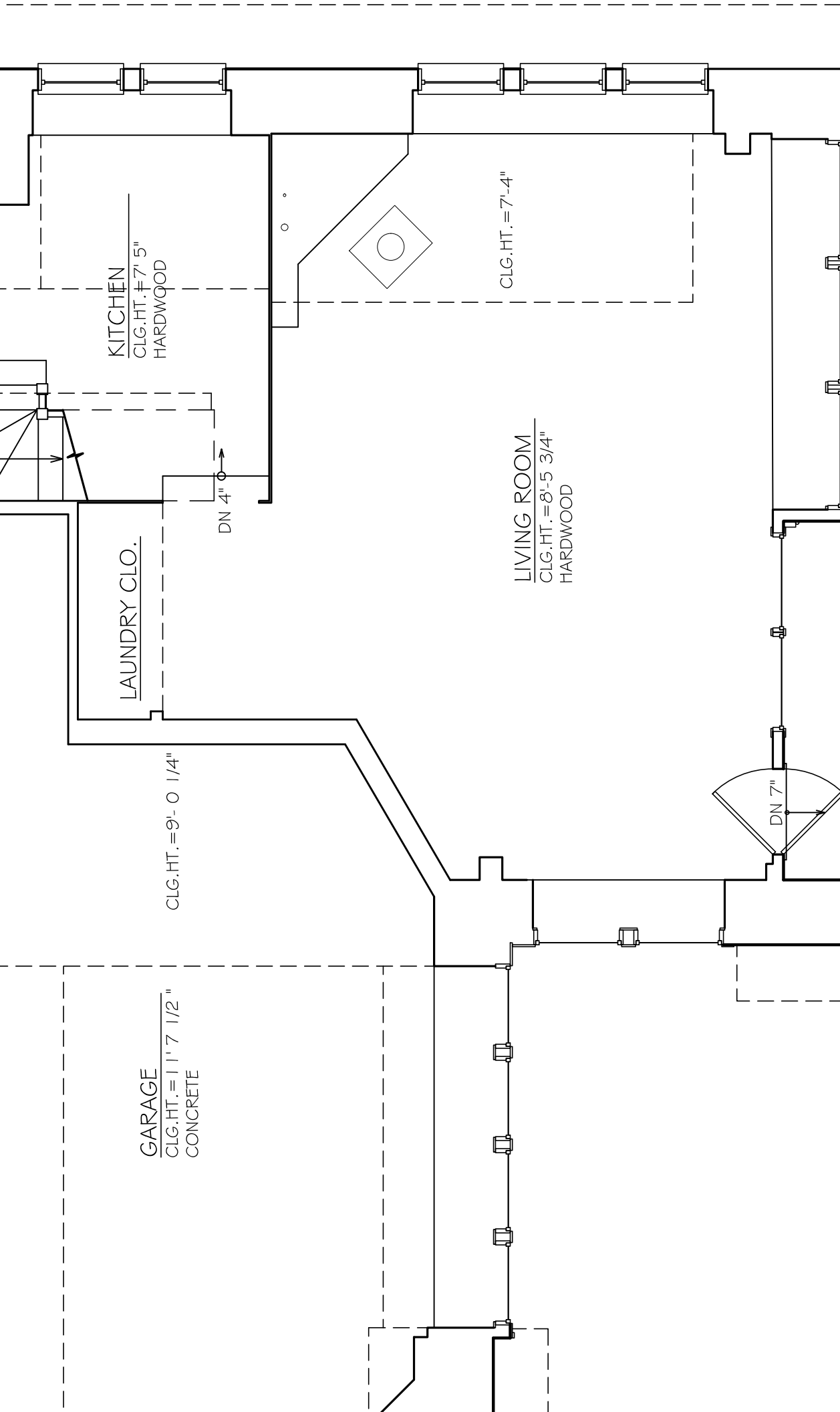
262-23











KITCHEN  
CLG. HT. = 7' 5"  
HARDWOOD

CLG. HT. = 7'-4"

LIVING ROOM  
CLG. HT. = 8'-5 3/4"  
HARDWOOD

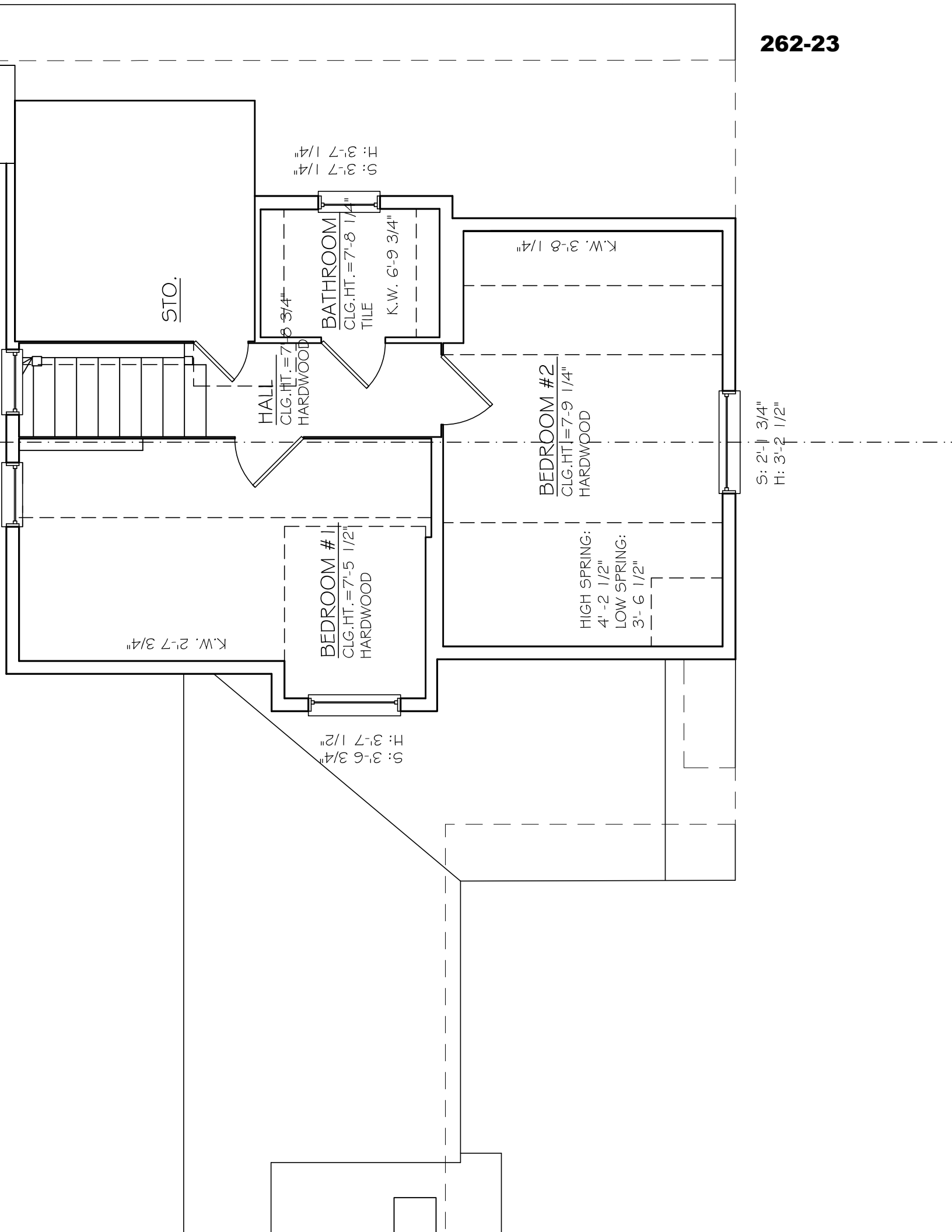
LAUNDRY CLO.

DN 4"

CLG. HT. = 9'-0 1/4"

GARAGE  
CLG. HT. = 11' 7 1/2"  
CONCRETE

DN 7"





- FIRST FLOOR  
EL. 187'-4 1/2"
- T.O. SLAB  
EL. 187'-0"
- AVERAGE GRADE  
EL. 186'-3 1/2"

**2** EXISTING  
SCALE: 1/4" = 1'

PER TO PLAN OF LAND FOR  
GRADE PLANE AND BUILDING  
CALCULATIONS

● RIDGE  
209'-0"

**262-23**

S: 2'-3"  
H: 3'-3"

S: 2'-3"  
H: 3'-3"

S: 1'-10"  
H: 3'-3"

S: 1'-10"  
H: 3'-3"

S: 1'-10"  
H: 3'-3"

MECHANICAL STORAGE  
CONCRETE

CLG. HT. = 7'-4"

GARAGE  
CONCRETE

KITCHENETTE  
CLG. HT. = 7'-5"  
HARDWOOD

CLG. HT. = 9'-0 1/4"

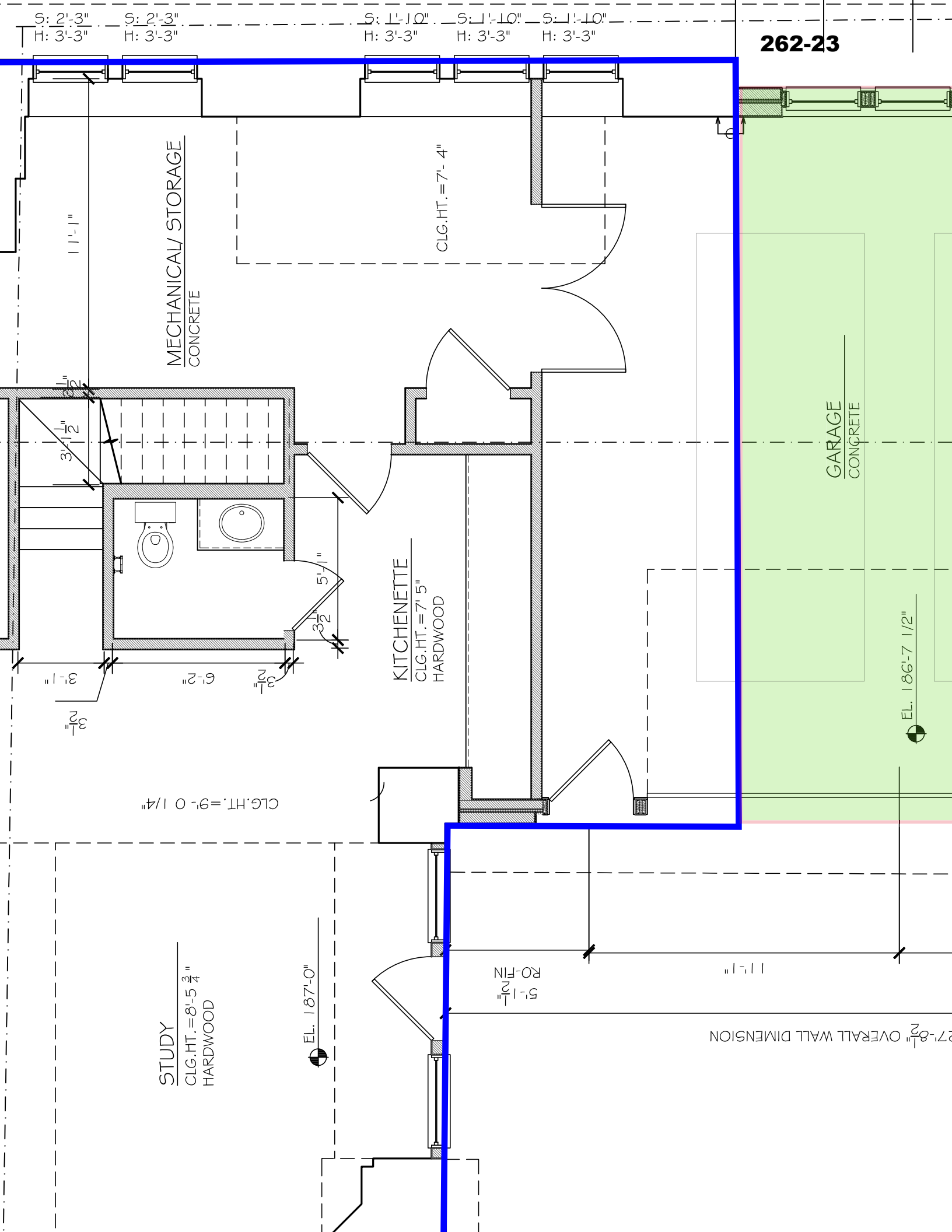
STUDY  
CLG. HT. = 8'-5 3/4"  
HARDWOOD

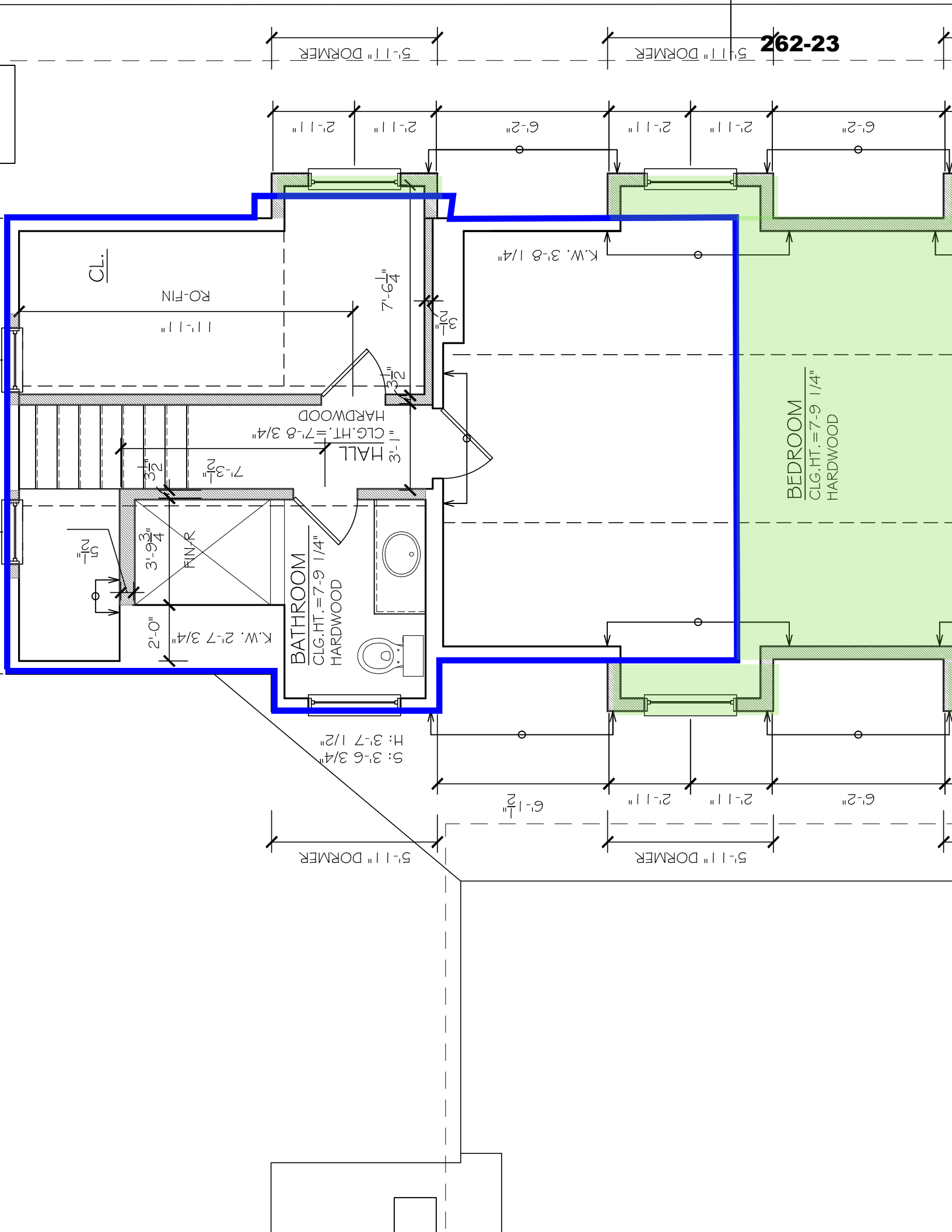
EL. 187'-0"

5'-1 1/2"  
RO-FIN

27'-0 1/2" OVERALL WALL DIMENSION

EL. 186'-7 1/2"





5'-11" DORMER

5'-11" DORMER

2'-11" 2'-11" 6'-2"

2'-11" 2'-11" 6'-2"

6'-2"

CL.

RO-FIN

11'-11"

7'-6 1/4"

K.W. 3'-8 1/4"

BEDROOM  
CLG. HT. = 7'-9 1/4"  
HARDWOOD

HARDWOOD

CLG. HT. = 7'-8 3/4"

3'-1"

HALL

7'-3 1/2"

3'-1"

BATHROOM  
CLG. HT. = 7'-9 1/4"  
HARDWOOD

FINISH

3'-9 3/4"

5'

2'-0"

K.W. 2'-7 3/4"

S: 3'-6 3/4"

H: 3'-7 1/2"

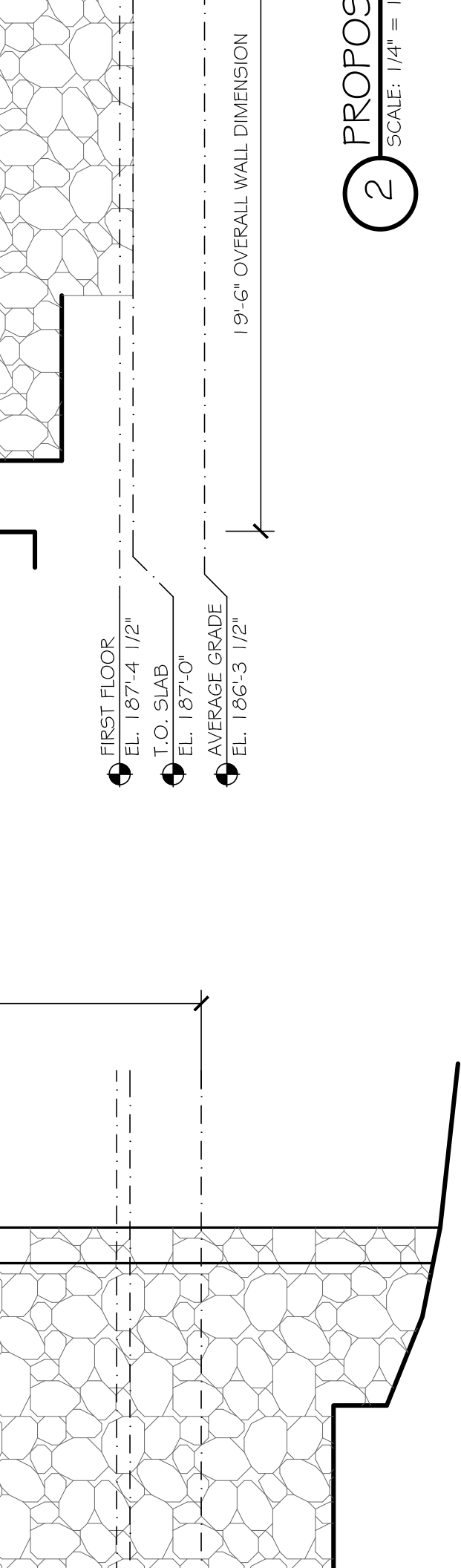
5'-11" DORMER

5'-11" DORMER

6'-1 1/2"

2'-11" 2'-11" 6'-2"

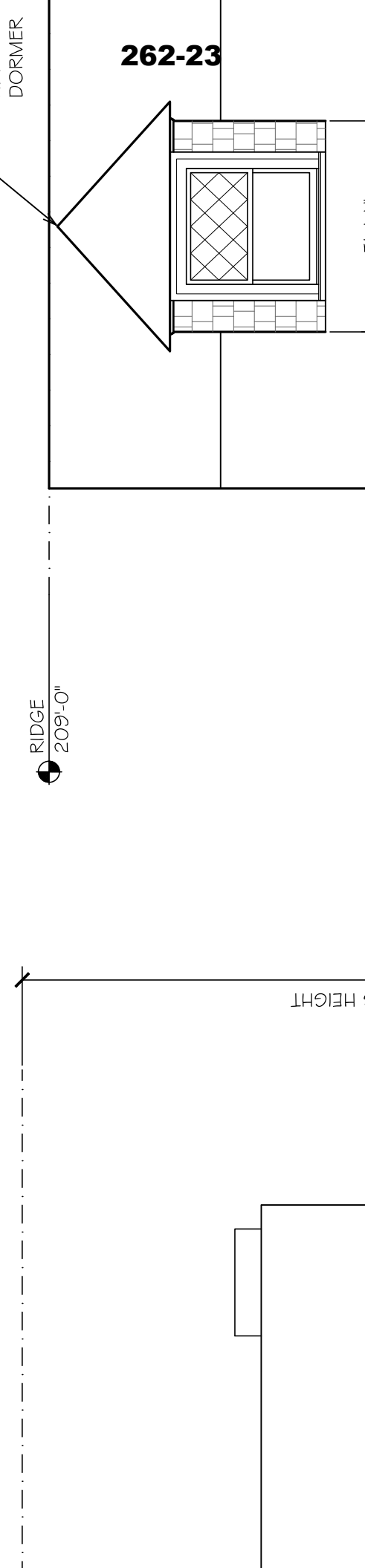
6'-2"



- FIRST FLOOR  
EL. 187'-4 1/2"
- T.O. SLAB  
EL. 187'-0"
- AVERAGE GRADE  
EL. 186'-3 1/2"

19'-6" OVERALL WALL DIMENSION

**PROPOS**  
2  
 SCALE: 1/4" = 1'



- RIDGE  
209'-0"

NEW DORMER

**262-23**

HEIGHT



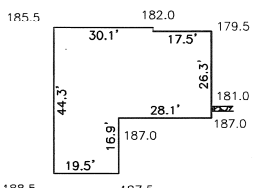
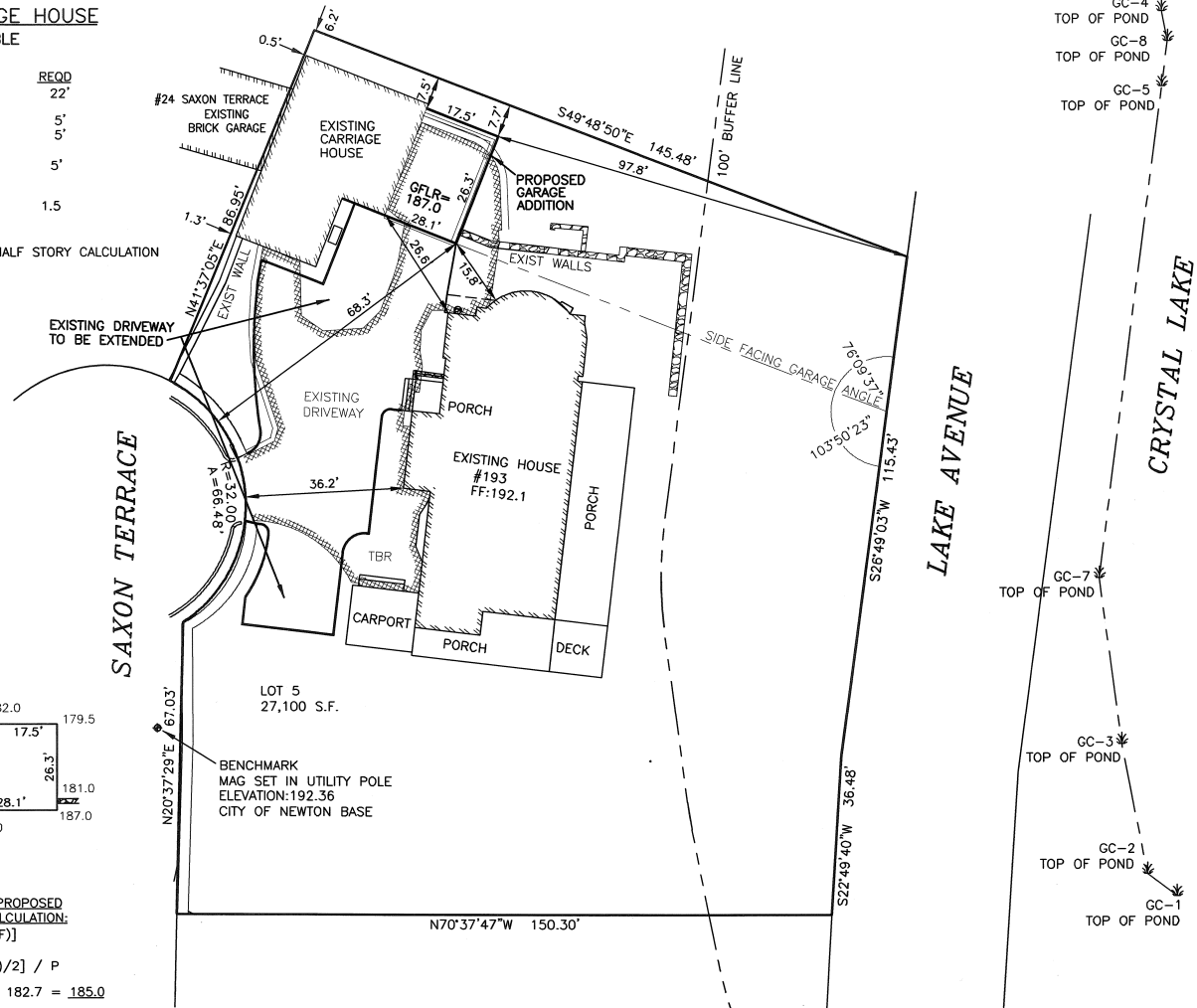


262-23

**PROPOSED CARRIAGE HOUSE**  
DIMENSIONAL TABLE

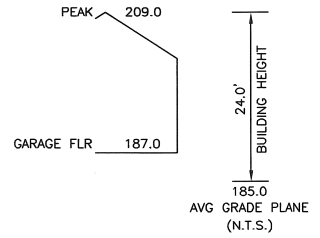
	EXIST	PROP	REQD
HEIGHT	22.7'	24.0'	22'
SIDE	6.2'	6.2'	5'
REAR	0.5'	0.5'	5'
DISTANCE TO PRINCIPAL BLDG	26.6'	15.8'	5'
NUMBER OF STORIES	?	?	1.5

SEE ARCHITECTS DOCUMENTS FOR HALF STORY CALCULATION

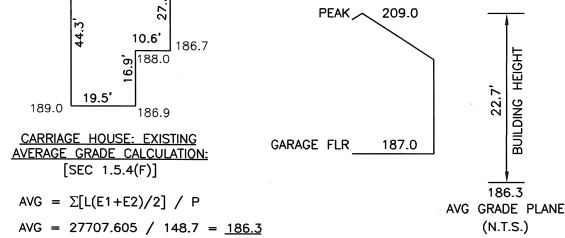


**CARRIAGE HOUSE - PROPOSED AVERAGE GRADE CALCULATION:**  
[SEC 1.5.4(F)]  
 $AVG = \frac{\sum[L(E1+E2)]}{P}$   
 $AVG = 33803.9 / 182.7 = 185.0$

**PROPOSED CARRIAGE HOUSE HEIGHT CALCULATION**



**EXISTING CARRIAGE HOUSE HEIGHT CALCULATION**



**PROPOSED INCREASE TO IMPERVIOUS AREA:**  
PROP (8,200 S.F.) - EXIST (7,481) = 720 S.F.

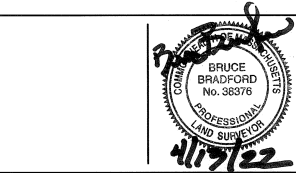
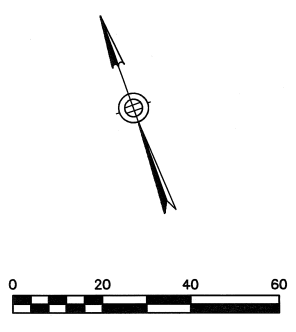
**ZONING INFORMATION**

ZONE: SR-2  
PLAN DATED: JULY 15, 1894  
DEED REFERENCE: BOOK 72174 PAGE 223

	EXISTING	PROPOSED	REQUIRED
BUILDINGS	4,868 S.F.	5,330 S.F.	
STRUCTURES	5,012 S.F.	5,474 S.F.	
DRIVE	3,060 S.F. ±	2,871 S.F. ±	
	8,072 S.F. ±	8,345 S.F. ±	
LOT COVERAGE	18.0%	19.7%	(30% MAX.)
OPEN SPACE	70% ±	69% ±	(50% MIN.)

ZONING COMPLIANCE DETERMINED BY MUNICIPALITY.  
AREAS FOR F.A.R. CALCULATION PROVIDED BY ARCHITECT.

ESTABLISHED 1916  
**EMB**  
EVERETT M. BROOKS CO.  
SURVEYORS & ENGINEERS  
49 LEXINGTON STREET  
WEST NEWTON, MA 02465  
(617) 527-8780  
info@everettbrooks.com



**PLAN OF LAND IN NEWTON, MA**  
193 LAKE AVENUE  
PROPOSED ADDITIONS

SCALE: 1 IN. = 20 FT.  
DATE: MARCH 28, 2022  
DRAWN: LNS  
CHECK: BB

REVISIONS:

4/13/22	various	LNS
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PROJECT NO. 25810

# City of Newton Planning and Development

Petition: #263-23

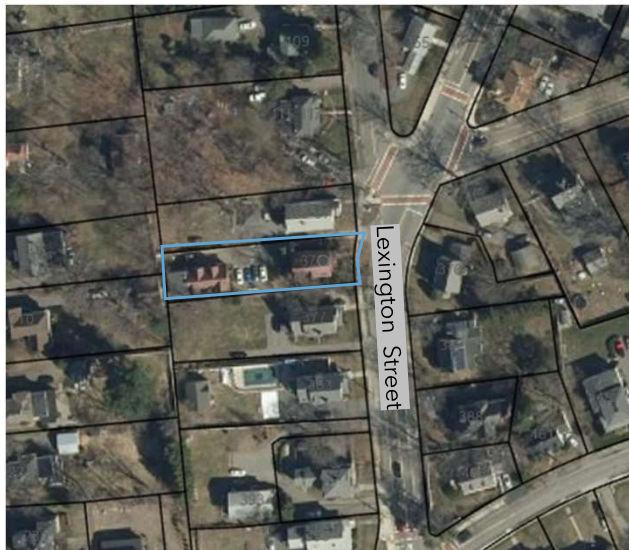
**Special Permit/Site Plan Approval**  
to change from a nonconforming two-family  
dwelling use to two single-family dwellings on  
one lot

*August 22, 2023*



**373 Lexington Street**

## Aerial Map





## Criteria to Consider

When reviewing this request, the Council should consider:

- The proposed nonconforming residential use will be substantially more detrimental than the existing nonconforming use is to the neighborhood (§7.8.2.C.2).
- The site and structures as proposed are an appropriate location for the density and proposed dimensional controls for the proposed two single family dwellings (7.3.3.C.1)
- The proposed two single-family dwellings with the proposed dimensional controls will not adversely affect the neighborhood vehicles or pedestrians (§7.3.3.C.2)
- The proposed two single-family dwellings 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)

5

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## Findings

1. The proposed nonconforming residential use with two single-family detached dwellings on the same lot will not be substantially more detrimental than the existing nonconforming two-family use is to the neighborhood because the total number of dwellings on the site will remain the same. The proposed single-family dwellings comply with many of the required dimensional standards for single family dwellings including FAR, side setbacks, open space, and lot coverage and the rear dwelling is subordinate to the front dwelling unit, minimizing the impact from the street thus giving the appearance of an accessory building (§7.8.2.C.2).
2. The site and structures as proposed are an appropriate location for the density and dimensional controls for the proposed two single-family dwellings because the project complies with most of the dimensional standards of a single-family structure in the Single Residence 3 district. (§7.3.3.C.1)
3. The proposed two single-family dwellings will not adversely affect the neighborhood because the structures existing in the proposed configuration and the rear dwelling is subordinate to the front dwelling on site, minimizing the impact from the street.(§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians because all parking will be provided on site and the access to the site is not changing.(§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

6

6

# Conditions

1. Plan referencing
2. Standard building permit conditions
3. Standard occupancy conditions

# City of Newton Planning and Development

Petition: #265-23

**Special Permit/Site Plan Approval** to extend a nonconforming residential use to allow a 3-unit multi-family dwelling, to extend nonconforming front, side and rear setbacks, to allow up to 36 feet in height, and waivers for parking



**43 Chapel Street**

August 22, 2023

# Zoning Relief

Zoning Relief Required		
Ordinance		Action Required
§4.4.1 §7.8.2.C.2	Request to extend a nonconforming residential use	S.P. per §7.3.3
§4.3.3 §7.8.2.C.2	Request to extend a nonconforming front setback	S.P. per §7.3.3
§4.3.3 §7.8.2.C.2	Request to alter and extend the nonconforming side setback	S.P. per §7.3.3
§4.3.3 §7.8.2.C.2	Request to alter and extend the nonconforming rear setback	S.P. per §7.3.3
§4.3.3 §7.8.2.C.2	Request to alter and extend the nonconforming parking setback	S.P. per §7.3.3
§4.3.3	Request to allow a building with a height of 32.9 feet	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive three parking stalls	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	Request to reduce the width of parking stalls	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	Request to reduce the depth of parking stalls	S.P. per §7.3.3

# Criteria to Consider

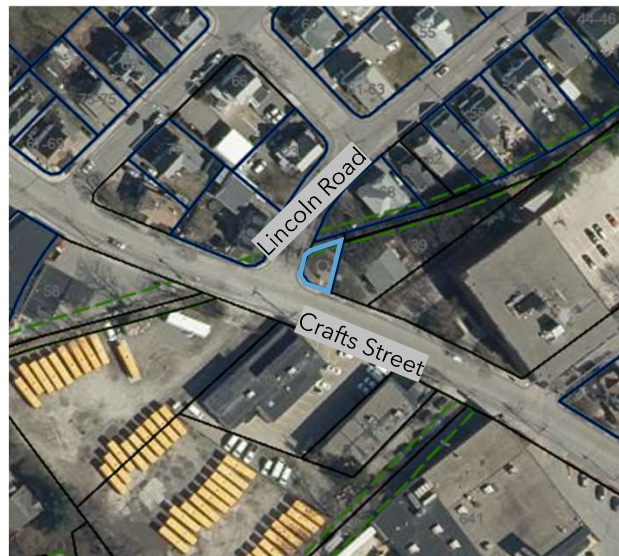
When reviewing this request, the Council should consider:

- The site is an appropriate location for the proposed residential development (§7.3.3.C.1)
- The proposed residential development will not adversely affect the neighborhood (7.3.3.C.2)
- The proposed residential development 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 nonconforming residential use will be substantially more detrimental than the existing nonconforming use is to the neighborhood. (§7.8.2.C.2)
- Literal compliance with the parking requirements is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)

3

3

## Aerial Map

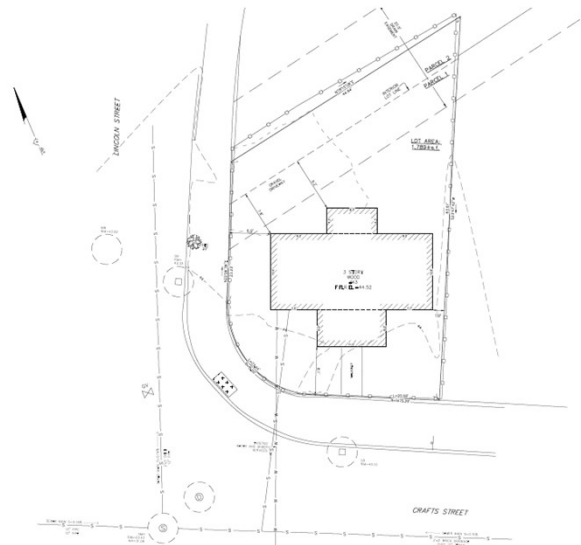


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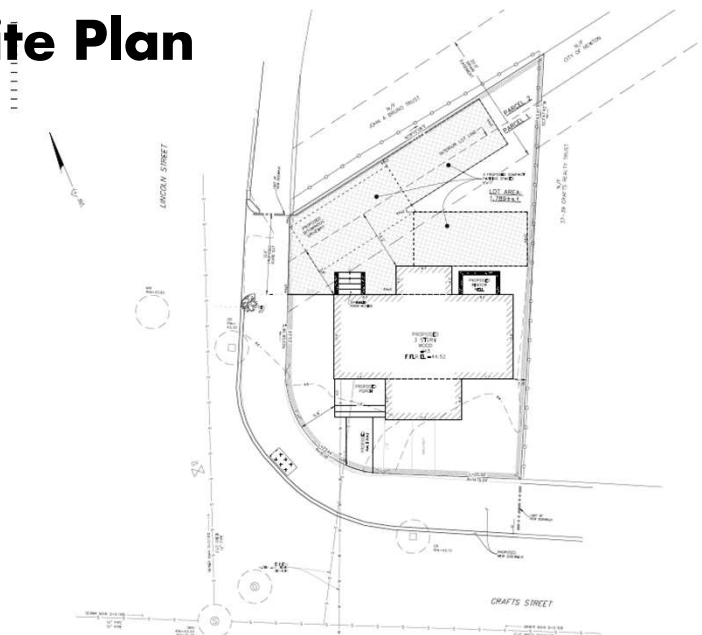
# Existing Site Plan



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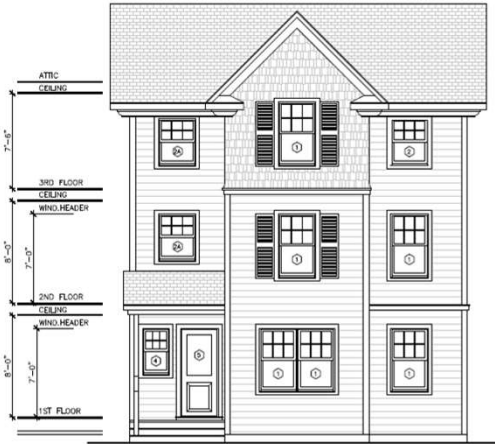
# Proposed Site Plan



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6

# Front elevation

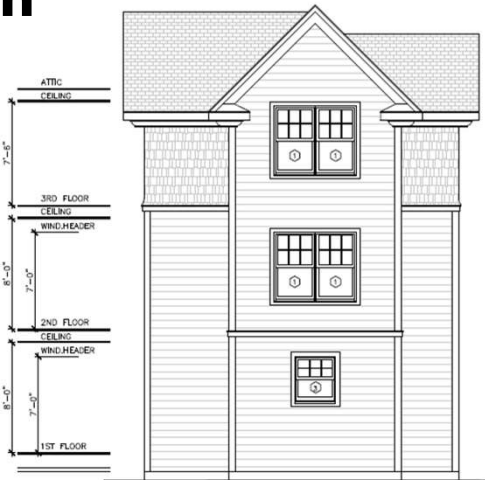


FRONT ELEVATION

7

7

# Right side elevation

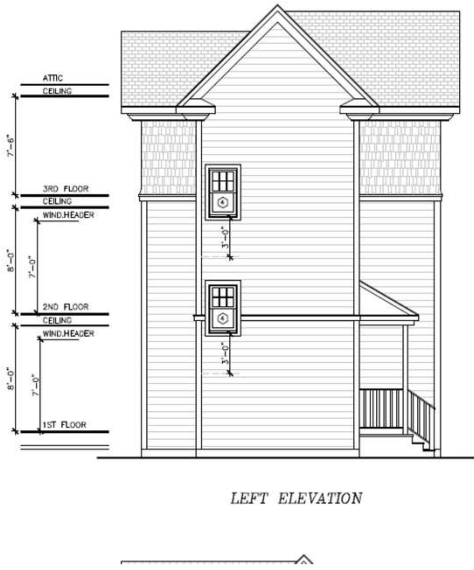


RIGHT ELEVATION

8

8

# Left side elevation (elevation on Lincoln Road)



9

9

# Rear elevation



10

10

## Findings

1. The proposed nonconforming residential use with three units in a multi-family building will not be substantially more detrimental than the existing nonconforming single-family residential use is to the neighborhood because it is in an area with a diverse mix of uses. (§7.8.2.C.2)
2. The specific site is an appropriate location for the proposed project in the Manufacturing district because it supports several goals of the Comprehensive Plan, including creating modestly sized dwelling units close to public transit. (§7.3.3.C.1)
3. The proposed residential project as designed will not adversely affect the neighborhood because it largely maintains the footprint of the existing dwelling and there are a mix of uses nearby. (§7.3.3.C.2)
4. The proposed residential project will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained. (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
6. Literal compliance with the parking requirements is impractical due to the size and shape of the lot, which is small and located on a corner lot, and therefore has limited space to accommodate addition parking. (§5.1.13)

11

11

## Conditions

1. Plan referencing
2. Operations & Maintenance plan
3. Construction management plan
4. All electric
5. Standard building permit conditions
6. Standard occupancy conditions

12

12