



Ruthanne Fuller
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 5, 2023

To: Anthony Ciccarillo, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney
Nazzeno and Letizia Delicata, Applicant
Leo Delicata, Agent
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow three single-family attached dwellings

Applicant: Nazzeno and Letizia Delicata	
Site: 0 Jewett Place, 15-17 Jewett Place	SBL: 11025 0010 and 11025 0011
Zoning: MR2	Lot Area: 13,300 square feet
Current use: Two-family dwelling	Proposed use: Three single-family attached dwellings

BACKGROUND:

The subject site consists of 13,300 square feet in the MR2 zoning district. The lot was recently created after consolidating three parcels; two parcels on Jewett Place as well as a parcel which comprised the end of Jewett Place, a private way. As the petitioners owned the entirety of the end of the private way, the petitioners maintained enough of the way to establish adequate access and absorbed the rest of the land into the subject parcel. The site is improved with a two-family dwelling constructed circa 1880. The petitioners propose to demolish the existing dwelling and construct three single-family attached dwellings.

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 7/25/2023
- Floor plans and elevations, prepared by MGD, architect, dated 5/15/2023
- Existing Conditions Site Plan, prepared by Spruhan Engineering, dated 8/16/2022
- Proposed Conditions Site Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 7/25/2023
 - North arrow is disoriented, points south

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to raze the existing two-family dwelling and construct three single-family attached dwellings. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR1 district.
2. Section 3.2.4 requires a 15,000 square foot lot for single-family attached dwelling projects but allows for exceptions by special permit if the City Council determines that literal compliance is impractical, and an exception would be in the public interest. After combining the parcels, the resulting lot is 13,300 square feet. The petitioners seek a special permit to allow for a reduced lot area.
3. Section 3.2.4 requires a 25-foot rear setback unless an exception by special permit is granted by the City Council. The petitioners propose a rear setback of 14.8 feet, requiring a special permit.
4. There is an existing retaining wall along the eastern property line and new retaining walls are proposed along the south and western lot lines, connecting at the rear corner. The wall along the western lot line reaches a maximum height of four feet. Per section 5.4.2.B, a special permit is required for a retaining wall of four feet or more within a setback.
5. Per section 6.2.3.B.2, no parking space may be within 20 feet of a boundary line and no driveway may be located within 10 feet of a side or rear lot line, unless by special permit. The surface stall associated with the easternmost unit is located within 20 feet of the northern and eastern lot lines, and the driveway runs along the northern side lot line, requiring a special permit.

MR2 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	13,300 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks			
• Front	25 feet	27.5 feet	25.5 feet
• Side (east)	25 feet	11.6 feet	25.4 feet
• Side (west)	25 feet	99.7 feet	25.6 feet
• Side (north)	25 feet	Not applicable	± 45 feet
• Rear	25 feet	12.8 feet	14.8 feet*
Building Height	36 feet	32.9 feet	35.5 feet
Max Number of Stories	2.5 (3 by SP)	2.5	No change
Lot Coverage Max	25%	15.2%	24%
Open Space Min	50%	72%	53.4%
Lot Area Per Unit	4,000 square feet	6,650 square feet	4,433 square feet

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To allow reduced lot area	S.P. per §7.3.3
§3.2.4	To allow a reduced rear setback	S.P. per §7.3.3
§5.4.2.B	To allow a retaining wall of four feet or higher in a setback	S.P. per §7.3.3
§6.2.3.B.2	To allow parking within 20 feet of a boundary line and a driveway within 10 feet of the side lot line	S.P. per §7.3.3