

## City of Newton, Massachusetts

Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459  
617-796-1120

Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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### PUBLIC HEARING MEMORANDUM

DATE: August 4, 2023

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Cat Kemmett, Senior Planner

SUBJECT: **Petition #241-23**, for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct three single-family attached dwellings with dimensional waivers and parking dimensional waivers

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**236 Chapel Street**

## **Project Description**

### **Background**

The subject property consists of a 10,268 square foot lot improved with a single-family dwelling in the Multi-Residence 2 (MR-2) district constructed circa 1880.

The site is located near the Nonantum village center in a predominantly residential area. The closest abutters to the site are all residential and consist of single, two, and three-family dwellings. Jackson Gardens, a 64-unit property owned by the Newton Housing Authority, is also a direct abutter to the northeast. The site and surrounding parcels are all zoned MR-2, with some properties further away zoned for Public Use, Multi-Residence 1, and Business Use 2. The MBTA 59 bus route runs along Watertown Street nearby north of the site, which connects to the commuter rail, Green Line, and other major bus routes.

### **Special Permit**

The petitioner proposes to demolish the existing dwelling on the lot and construct three single-family attached dwellings. The proposed use requires relief to allow attached dwellings in the MR-2 district. A lot area per unit of 3,423 square feet is proposed, where 4,000 square feet is required, requiring a special permit. Relief is required for both side setbacks, proposed at 11 feet on each side where 25 feet is required. The rear setback also needs relief, as it is proposed at 20.3 feet where a minimum of 25 feet is required.

The maximum lot coverage allowed is 25%, and this project proposes 33.5%, which requires a special permit. Dimensional parking relief is also required to allow parking within 20 feet of a side lot line and a driveway within 10 feet of the side lot line.

### **Analysis**

Because the existing dwelling was found to be preferably preserved and the petitioner is seeking a waiver for demolition delay, the Newton Historical Commission (NHC) must approve the structure that will replace the original one. The NHC has already approved a set of plans for the redevelopment of the site. However, the petitioner has since made several changes to their plan that must be approved by the Historical Commission. The main change included in this revised plan is that one of the units has been relocated to the other end of the site, allowing for two curb cuts and driveways rather than the three driveways approved by the NHC.

The Planning Department is not concerned with the proposed dwellings. There are several two- and three-family dwellings in the neighborhood so three units is contextually appropriate, and there are other residences in this area with nonconforming setbacks and reduced lot area per unit.

The petitioner has worked with the NHC and members of the neighborhood to arrive at the plan that was previously approved, which is overall similar to the plan submitted for Special Permit approval but would need to go through historic review again as the NHC has jurisdiction due to

waiving demolition delay. After consulting with the Chief Historic Planner, Planning staff recommend holding this item on August 8 and waiting until this most recent design has been approved by the Historical Commission before holding a vote by the Land Use Committee.

I. Zoning Relief Requested:

For more details around the zoning analysis please refer to **Attachment A**.

<b>Zoning Relief Required</b>		
<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 per unit	S.P. per §7.3.3
§3.2.4	To allow reduced side setback	S.P. per §7.3.3
§3.2.4	To allow reduced rear setback	S.P. per §7.3.3
§3.2.4	To exceed maximum lot coverage	S.P. per §7.3.3
§6.2.3.B.2	To allow parking within 20 feet of a side lot line and a driveway within 10 feet of the side lot line	S.P. per §7.3.3

II. Criteria for Consideration per §7.3.3. and/or §7.8.2.C.2:

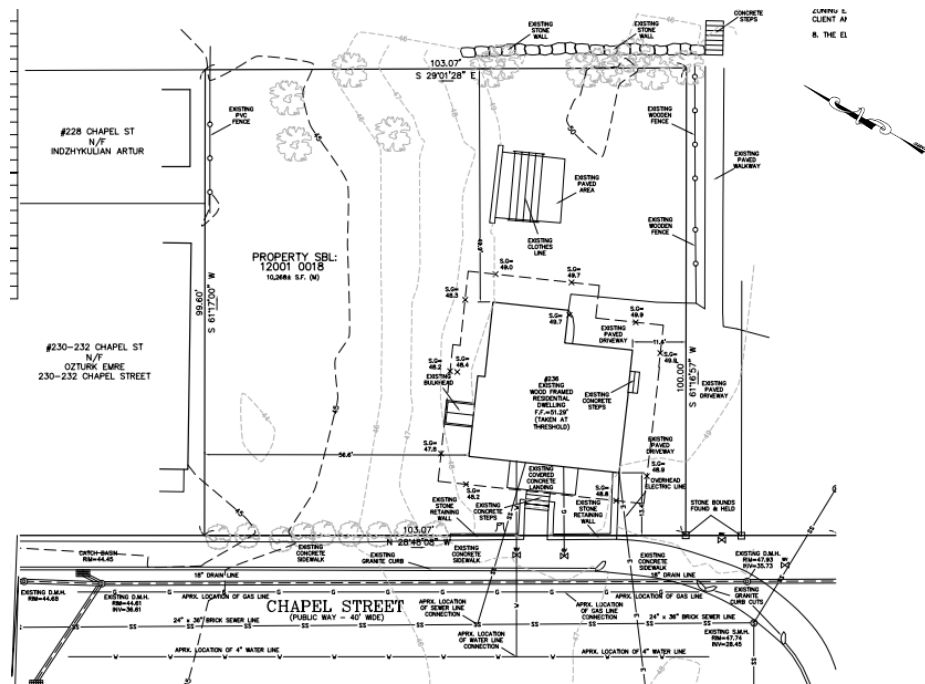
- The site in MR-2 is an appropriate location for the proposed residential development (§7.3.3.C.1)
- The proposed residential development will not adversely affect the neighborhood (7.3.3.C.2)
- The proposed residential development will not create a nuisance or serious hazard to vehicles or pedestrians (§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)

III. Project Proposal and Site Characteristics

A. Site

The subject property consists of a 10,268 square foot lot improved with a with a two-story single-family dwelling constructed circa 1880. The existing dwelling has a nonconforming front setback of 13.4 feet where a minimum of 25 feet is required, and one nonconforming side setback of 11.4 feet where 25 feet is required. The Newton Historical Commission (NHC) voted to preferably preserve the structure in 2022, which means any structure proposed to replace it is subject to their review.

### Existing conditions



Vehicular access is provided via a curb cut leading to a paved driveway on the right side of the dwelling, with a concrete sidewalk on either side. There is an existing stone wall at the rear of the property and a stone retaining wall along the front lot line and the paved walkway to the main entrance.

#### IV. Project Description and Analysis

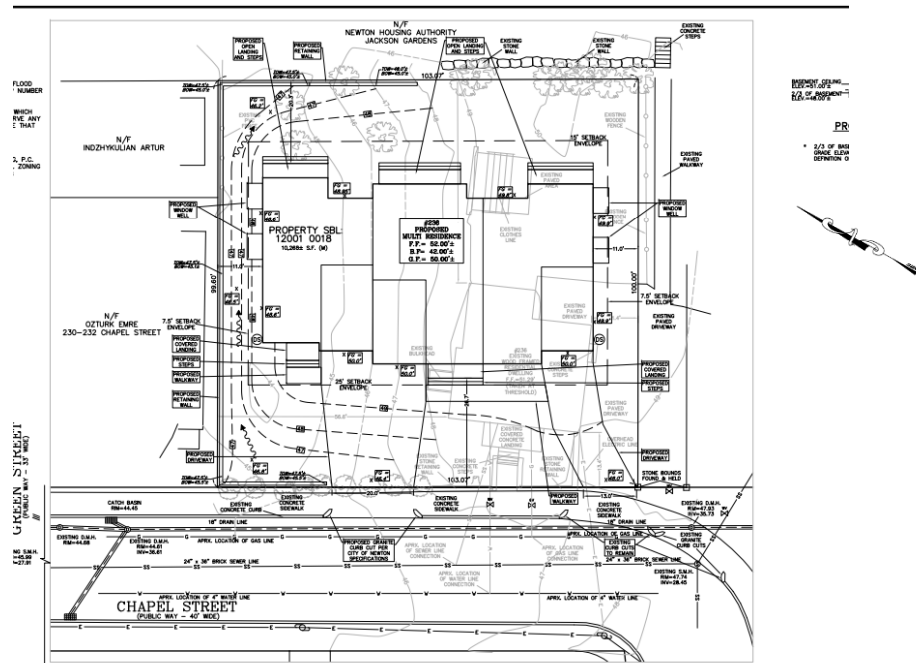
##### A. Land Use

If approved the principal use of the site will change from one single-family home to three single family attached dwellings.

##### B. Site Design

The petitioner proposes to raze the existing single-family dwelling and construct three single-family attached dwellings. Relief is required for the use of the structure as single family attached dwellings. The units will all be in one building with gables and vertical elements separating each of the residences. The building is proposed at 34.8 feet and 2.5 stories in height, where up to 36 feet and 2.5 stories are allowed by right. The lot area per unit will be 3,423 square feet where a minimum of 4,000 square feet is required, which requires relief. FAR does not apply to this project but as a point of

### Proposed conditions



comparison, the FAR would be approximately .64 for this project, where the maximum FAR allowed on a lot of this size would be 0.53 for a single- or two-family structure. According to the petitioner, the units will range in size from roughly 2,698 square feet to 2,837 square feet, including garage space.

The existing front setback is nonconforming at 13.4 feet, and this project would increase the front setback to 26.7 feet where 25 feet is required. Both side setbacks require relief as they are proposed to be 11 feet, where 25 feet is required, and the existing side setbacks are 11.4 and 56.6 feet. The rear setback also needs relief because it is proposed to be 20.3 feet where 49.9 feet exists, and 25 feet is required.

The unit on the left will have an individual front entrance out on Chapel Street, while the middle and right units will share a common entryway. Each entrance will have a walkway to the street and covered landing with steps.

A compliant by-right retaining wall approximately two feet tall is proposed along the left property line within the setback, extending out to portions of the front and rear setback on the left side.

C. Parking and Circulation

Each of the three units has a private attached garage with space for one car and an additional space in one of the two driveways. The existing 13-foot-wide curb cut on Chapel Street at the south side of the site will be retained and will provide access to a paved driveway leading to the unit on the right. Because this driveway is within ten feet of the southeastern side lot line with a proposed parking stall within 20 feet of that same side lot line, a special permit is required. A second curb cut is proposed between the other two units which would be 20 feet wide and provide access to a shared driveway leading to the private garages for those two units.

**Front elevation**



**Right side elevation**



**Left side elevation**



**Rear elevation**



V. Interdepartmental Review:

No interdepartmental review is required at this time.

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete.

**ATTACHMENTS:**

**Attachment A:** Zoning Review Memorandum



Ruthanne Fuller  
Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: July 18, 2023

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Omar Youssef, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to allow three single-family attached dwellings**

<b>Applicant: Omar Youssef</b>	
<b>Site:</b> 236 Chapel Street	<b>SBL:</b> 12001 0018
<b>Zoning:</b> MR2	<b>Lot Area:</b> 10,268 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> Three single-family attached dwellings

### BACKGROUND:

The property at 236 Chapel Street consists of 10,268 square feet and is improved with a single-family dwelling constructed circa 1880 in the MR2 zoning district. The petitioner proposes 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 Omar Youssef, applicant, submitted 5/26/2023
- Floor plans and elevations, prepared by RAV & Assoc., Inc, dated 4/20/2023
- FAR worksheet, submitted 6/15/2023
- Proposed Conditions Site Plan, prepared by Spruhan Engineering, P.C., dated 4/6/2023



**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to raze the existing single-family dwelling and construct three single-family attached dwellings in two separate structures. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR2 district.
2. Per section 3.2.4, the lot area per unit requirement is 4,000 square feet. The petitioner proposes three units on the 10,268 square foot lot, resulting in a lot area per unit of 3,423 square feet, requiring a special permit per the footnote to the dimensional table in section 3.2.4.
3. Section 3.2.4 requires a 25-foot side setback. The petitioner proposes 11-foot setbacks for both sides lot lines, requiring a special permit per the footnote to the dimensional table in section 3.2.4.
4. Section 3.2.4 requires a 25-foot rear setback. The petitioner proposes a 20.3-foot rear setback, requiring a special permit the footnote to the dimensional table in section 3.2.4.
5. Section 3.2.4 allows a maximum lot coverage of 25%. The petitioner proposes lot coverage of 33.5%, requiring a special permit per the footnote to the dimensional table in section 3.2.4.
6. Per section 6.2.3.B.2, no parking space may locate 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. There are two driveways proposed for the units; the driveway on the southern side of the lot is within 10 feet of the southeastern side lot line with a proposed parking stall within 20 feet of that same side lot line, requiring a special permit.

MR2 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	10,268 square feet	<b>No change*</b>
Frontage	80 feet	103.7 feet	No change
Setbacks			
• Front	25 feet	<b>13.4 feet</b>	26.7 feet
• Side	25 feet	56.6 feet	<b>11 feet*</b>
• Side	25 feet	<b>11.4 feet</b>	<b>11 feet*</b>
• Rear	25 feet	49.9 feet	<b>20.3 feet*</b>
Building Height	36 feet	25.1 feet	34.8 feet
Max Number of Stories	2.5 (3 by SP)	2	2.5
Lot Coverage Max	25%	10.1%	<b>33.5%*</b>
Open Space Min	50%	78.6%	51%
Lot Area Per Unit	4,000 square feet	10,268 square feet	<b>3,423 square feet*</b>

See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
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