



Setti D. Warren
Mayor

City of Newton, Massachusetts
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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: June 24, 2016

TO: Councilor Ted Hess-Mahan, Chairman
Members of the Zoning and Planning Committee

FROM: Barney S. Heath, Director of Planning and Development
James Freas, Assistant Director of Planning and Development
Michael Gleba, Senior Planner

RE: #183-16 - TERRENCE P. MORRIS petitioning to rezone corresponding pieces of abutting lands in different districts, MULTI RESIDENCE 2 and BUSINESS 2, on land known as Section 51, Block 29, Lots 01 and 04 located at 38 and 44 Mechanic Street in conjunction with a land transfer.

MEETING DATE: June 27, 2016

CC: City Council
Planning and Development Board
Donnalyn Kahn, City Solicitor

The petition is seeking to rezone an 88 square foot portion of the property located at 38 Mechanic Street from Multi Residence 2 (MR2) to Business 2 (BU2) and an 88 square foot portion of the property located at 44 Mechanic Street from Business 2 (BU2) to Multi Residence 2 (MR2).

The Planning Department has no concerns about the proposed action.

Background and Context

The two lots affected by the proposed rezonings are located on the east side of Mechanic Street between its intersections with Cheney Street and Wetherell Street. The subject property at 38 Mechanic Street is zoned MR2, as are the other properties on the east side of Mechanic Street, with the only exception being the other subject property at 38 Mechanic Street which is zoned BU2. Generally, the adjoining neighborhood west of the Upper Falls Green Way is otherwise zoned MR1, the only exceptions being Manufacturing zoned parcels south of Ossipee Road, just west of 38

Mechanic Street. Properties east of the Upper Falls Green Way are zoned Mixed Use 1 (MU1)(**Attachments A and B**).

The rezonings are being sought as part of an effort to address an encroachment issue. According to a draft Approval Not Required (ANR) plan of land submitted with the petition (**Attachment C**), a portion of the existing three-family dwelling at 38 Mechanic Street encroaches into the abutting 28,384 square foot parcel at 44 Mechanic Street, which is occupied by a large brick warehouse/office building.

Discussion

As proposed, 88 square foot wedges of land will be exchanged between the two properties as a land transfer to address the above-referenced encroachment. While the two properties' shapes will slightly change, neither lot will change in size, and their current and allowed uses will remain unchanged. As such, the rezonings will merely allow the district boundaries to reflect the adjusted boundaries of the two affected parcels and prevent the resulting, slightly modified parcels from being rendered "split lots."









Recommendation

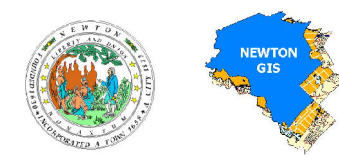
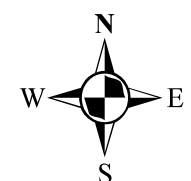
The Planning Department recommends approval of the requested action.

Attachments:

- Attachment A: Existing Zoning Map
- Attachment B: Existing Land Use Map
- Attachment C: Draft Approval Not Required (ANR) Plan

#183-16
Zoning Map
38-44 Mechanic St.
ATTACHMENT A
City of Newton,
Massachusetts

- Legend**
-  Multi-Residence 1
 -  Multi-Residence 2
 -  Business 2
 -  Manufacturing
 -  Mixed Use 1
 -  Building Outlines
 -  Surface Water
 -  Property Boundaries

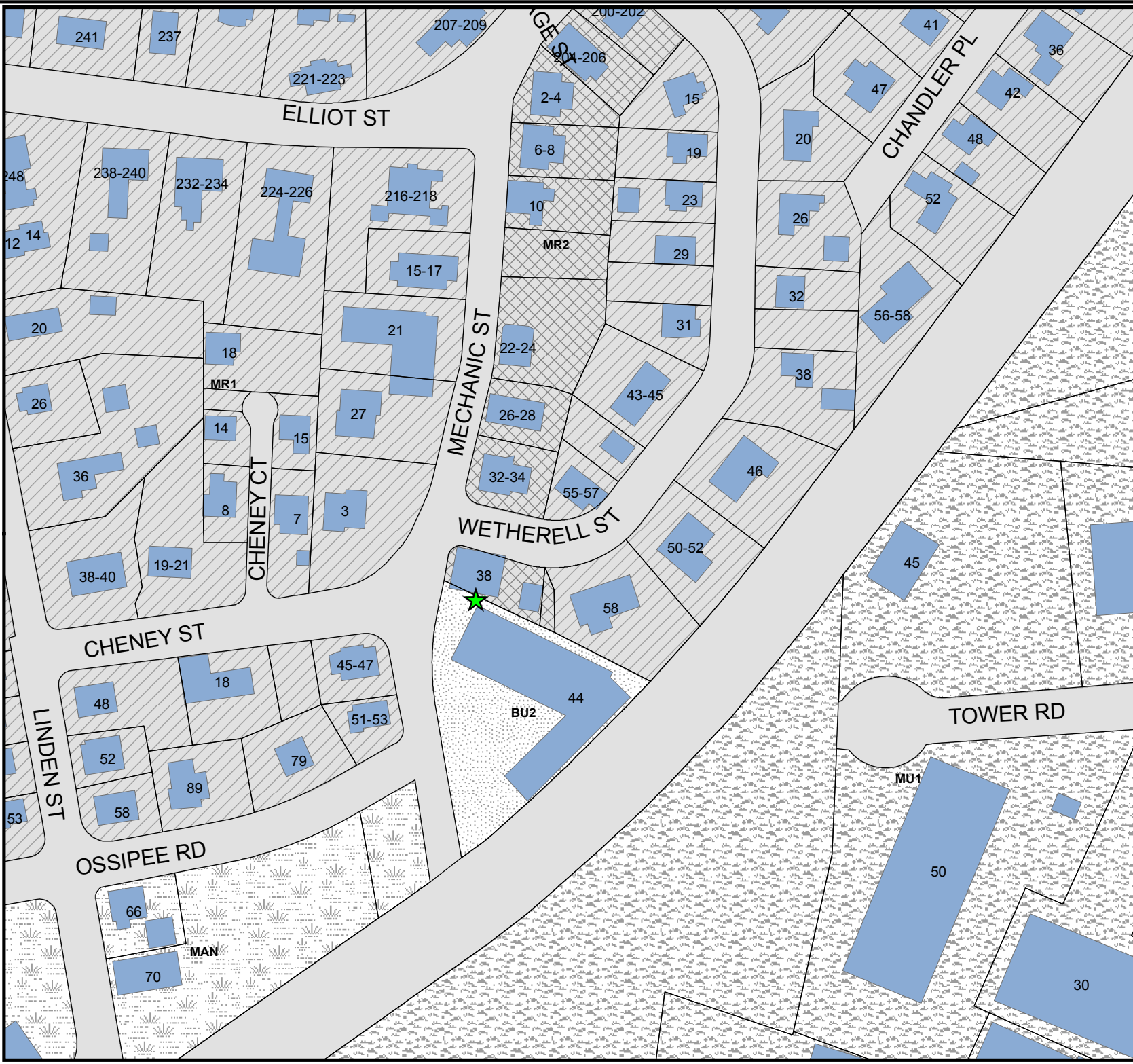


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

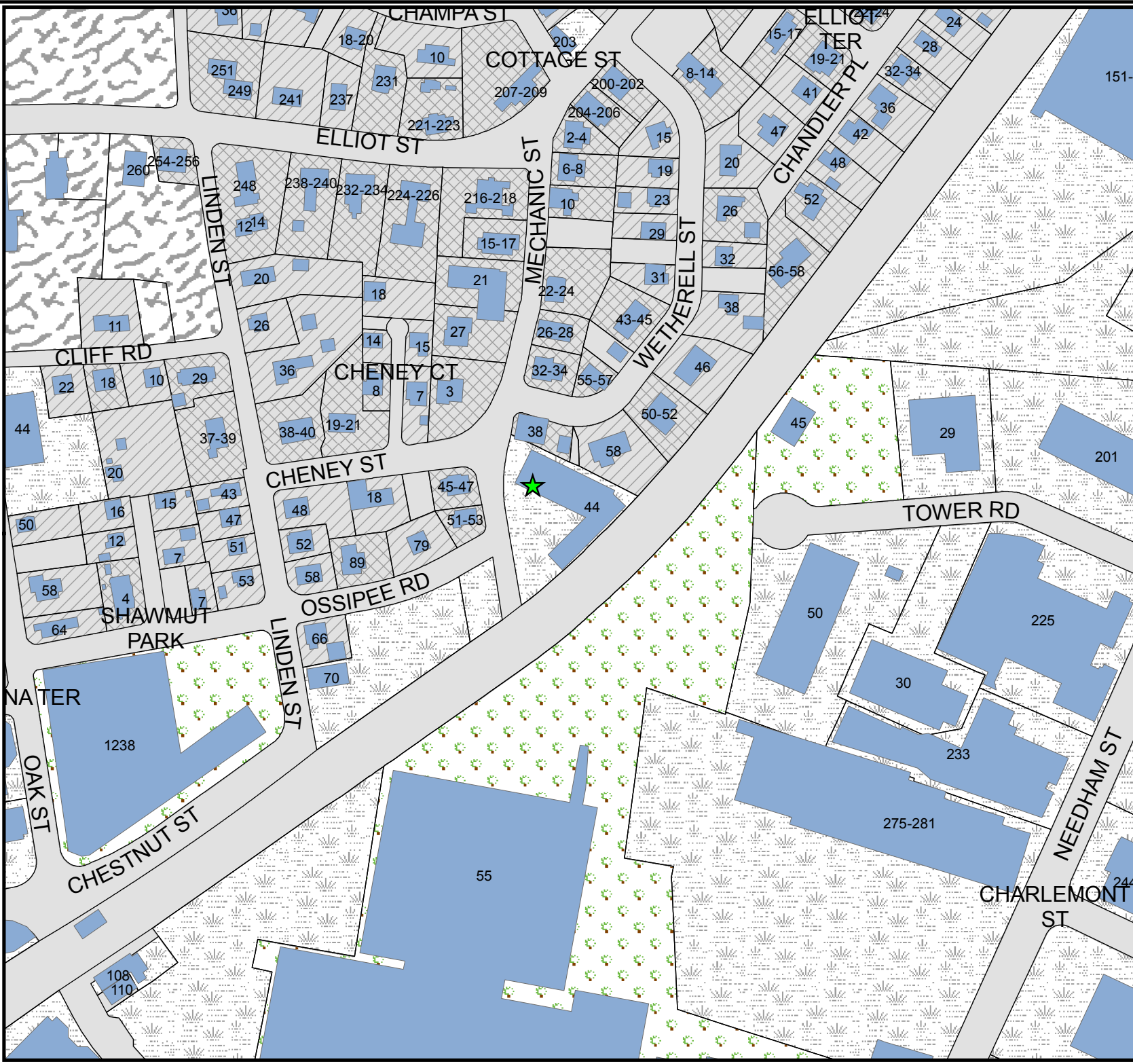
CITY OF NEWTON, MASSACHUSETTS
 Mayor - Setti D. Warren
 GIS Administrator - Douglas Greenfield



Map Date: June 23, 2016



#183-16
Land-Use Map
38-44 Mechanic St.
ATTACHMENT B
City of Newton,
Massachusetts



Legend

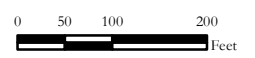
Land Use

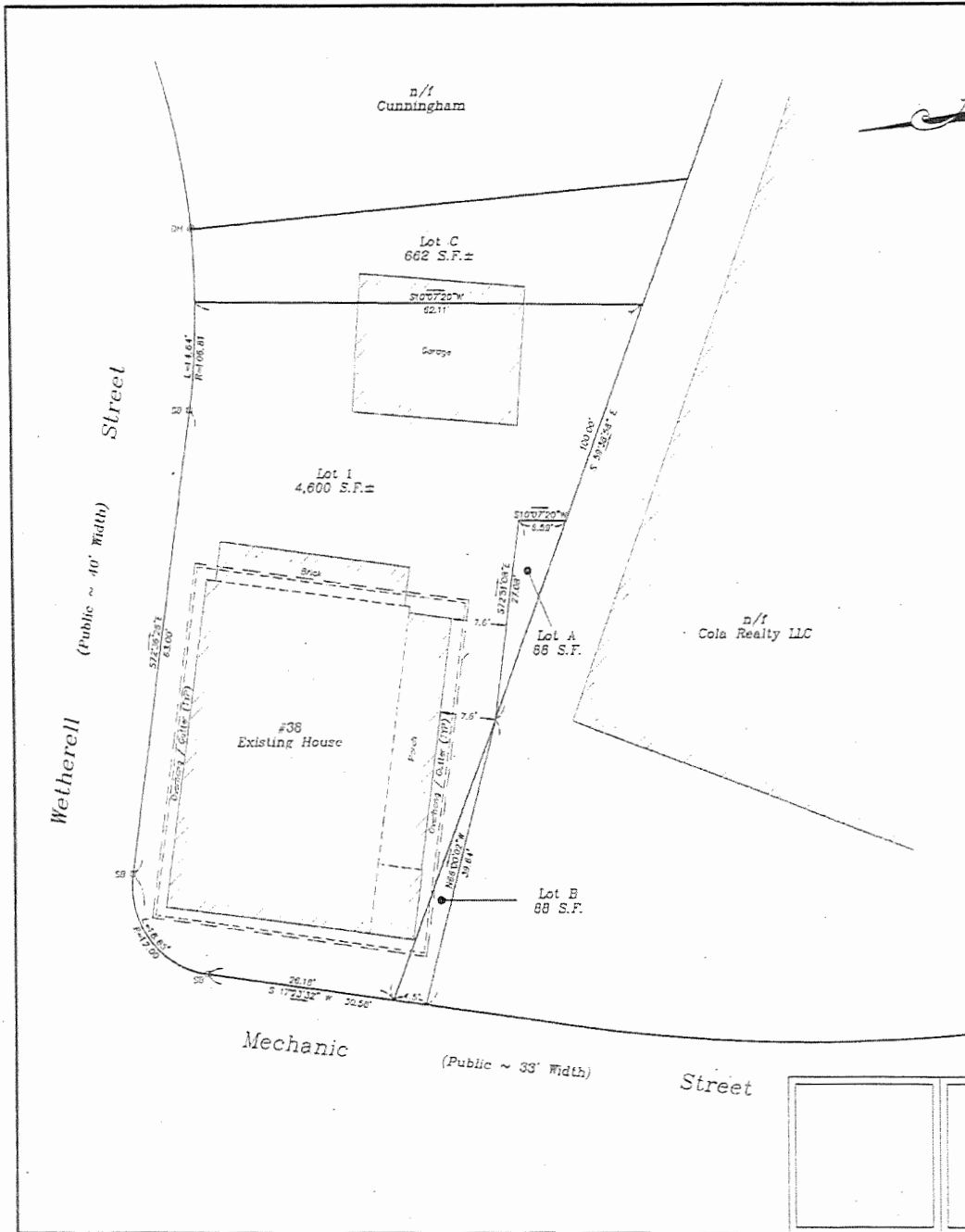
- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Nonprofit Organizations
- Building Outlines
- Surface Water
- Property Boundaries



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I Certify that this plan has been prepared in accordance with the Rules and Regulations of the Registers of Deeds of the Commonwealth of Massachusetts

Approval under the Subdivision Control Law not required

CLERK - NEWTON PLANNING BOARD
ACTING AS A BOARD OF SURVEY

The above endorsement is not a determination as to conformance with Zoning Regulations

Owners:

Weirong Dai
38 Mechanic Street Newton, MA 02464

Deed Reference: Book 57712 Page 33
Plan Reference: Recorded in Middlesex South Registry of Deeds Plan Book 93 Plan #30 (B of 2) and Plan #700 of 2011

Cola Realty Trust LLC
44 Mechanic Street Newton, MA 02464

Deed Reference: Book 60979 Page 1
Plan Reference: Recorded in Middlesex South Registry of Deeds Plan #879 of 1979

Subdivision Plan of Land	
38 Mechanic Street	
Newton, Massachusetts	
Scale: 1" = 10'	April 14, 2016
VERNE T. PORTER Jr., PLS Land Surveyors - Civil Engineers 354 Elliot Street Newton, Massachusetts 02464	
Project: 11060	Checked By: V. Porter Jr.
Drawn By: D. Millan	
Sheet 1 of 1	

ATTACHMENT C #183-16