



Setti D. Warren
Mayor

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

#196-16
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov
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 J. Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development
Michael Gleba, Senior Planner

RE: #196-16 - ROBERT KUTNER, petitioning to rezone land known as Section 43, Block 21, Lot 09 located at Central Street from PUBLIC USE to SINGLE RESIDENCE 3.

MEETING DATE: June 27, 2016

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

The petitioner is seeking to rezone a lot identified as Section 43, Block 21, Lot 09 and located at the intersection of Central Street and Hancock Street, just south of the Massachusetts Turnpike and abutting 25 Hancock Street, from Public Use (PU) to Single Residence 3 (SR3).

The Planning Department does not have concerns about the proposed action.

Background and Context

The subject property contains 5,532 square feet and is unimproved and triangular in shape. The Massachusetts Turnpike is to the north across Central Street. The surrounding neighborhood is predominantly composed of single-family dwellings. Exceptions include an abutting two-family dwelling at 25 Hancock Street owned by the petitioner; another two-family dwelling directly across the street at 14 Hancock Street; the Auburndale Community Nursery School approximately 200 feet to the west on Central Street and the Newton Housing Authority's Centenary Village at 234 Central Avenue.

The subject property was acquired by the Massachusetts Turnpike Authority in 1963 as part of a larger taking for the Turnpike Extension right-of-way. It is believed that at the time the property, and the surrounding neighborhood south of the then-Boston & Albany Railroad, were zoned Single Residence C (R-C), as indicated on the 1951 zoning map (the area to the north of the rail line was zoned as a "Private Residence District).

The parcel was held by the Turnpike Authority until 1997 when the agency conveyed the property to the current owners of the adjacent 25 Hancock St., a 15,727 square foot parcel improved with a two-family dwelling built in 1896. No other parcel directly abuts the subject property.

Discussion

As referenced above, the subject property is and has been privately-owned since 1997. As such, the current PU zoning designation, which is inconsistent with the surrounding neighborhood, is inappropriate as it is no longer owned by a public entity and it significantly restricts the use of the property by its current and/or any subsequent non-public or non-institutional entity. For example, residential uses are not permitted in a PU district, and allowed uses are limited to various institutional, educational, wireless communications, agriculture and resource extraction uses (all subject to certain listed standards or special permit).

It should be noted that taken together the subject property and the adjacent property at 25 Hancock Street under the same ownership together comprise 21,259 square feet. As the minimum lot size for post-1953 "new lots" in an SR3 district is 10,000 square feet (7,000 square feet for pre-1953 "old lots"), the proposed rezoning of the subject property to SR3 does raise the possibility of a future re-division and/or redevelopment of the two parcels. However, given the substantial size and orientation of the existing structure at 25 Hancock Street, and that it is a two-family dwelling (a use not currently allowed by-right in a SR3 district), it is unclear as to what if any such redevelopment of a combined parcel would practically be sought.

Recommendation

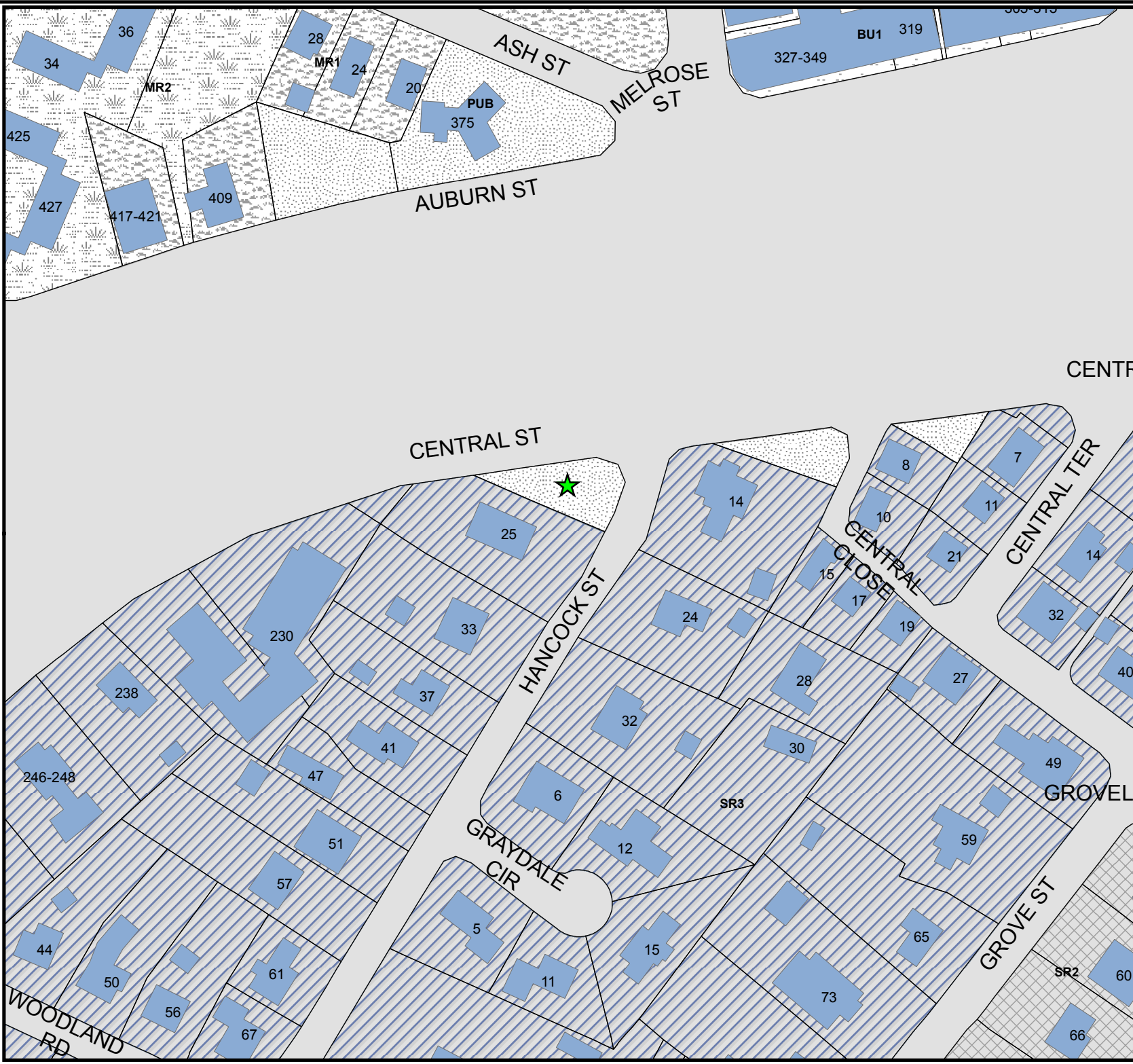
The Planning Department recommends approval of the requested rezoning.

Attachments:

Attachment A: Existing Zoning Map
Attachment B: Existing Land Use Map

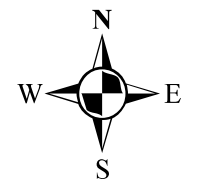
#196-16
ATTACHMENT A
Zoning Map
S: 43 B: 21 L:09

*City of Newton,
 Massachusetts*



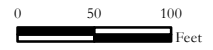
Legend

- Single Residence 2
- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Business 2
- Public Use
- Building Outlines
- Surface Water
- Property Boundaries

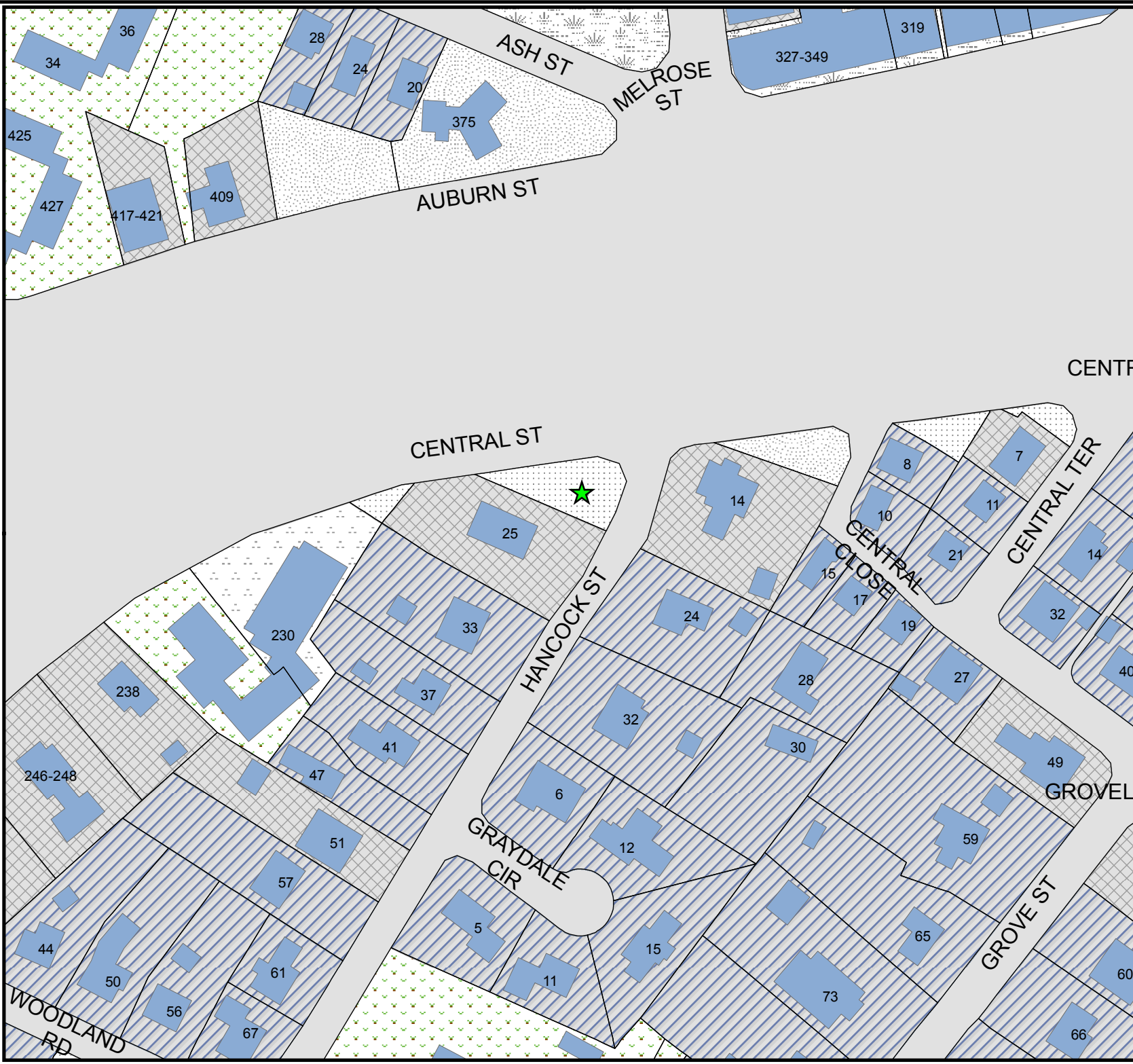


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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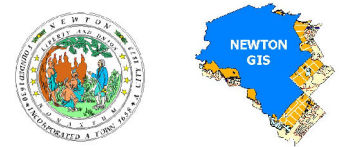
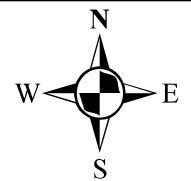
ATTACHMENT B
Land-Use Map
S: 43 B: 21 L:09
City of Newton,
Massachusetts



Legend

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Mixed Use
- Open Space
- Nonprofit Organizations
- Vacant Land
- Tax Exempt
- Building Outlines
- Surface Water
- Property Boundaries



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