



Ruthanne Fuller
Mayor

CITY OF NEWTON, MASSACHUSETTS

City Hall
1000 Commonwealth Avenue, Newton, MA 02459-1449
Telephone: (617) 796-1065 TDD/TTY: (617) 796-1089 Fax: (617) 796-1086
www.ci.newton.ma.us

ZONING BOARD OF APPEALS

To: Zoning Board of Appeals Members
From: Adrianna Henriquez, Clerk
Date: November 8, 2019
Subject: Materials for **November 26, 2019** Public Hearing

Hello,

Please see the following supplemental materials for the upcoming hearing on November 26, 2019 Public Hearing. The following board members are scheduled to sit: **William McLaughlin (Chair), Stuart Snyder, Barbara Huggins Carboni, Michael Rossi, Michael Quinn and Treff LaFleche (Alternate)**

1. Agenda for November 26, 2019
2. Variance Petition for 73 Falmouth Road (#07-19) filed on November 1, 2019
3. Variance Petition for 34 Morton Road (#08-19) filed on November 5, 2019
4. Letter from Can-Do dated November 6, 2019

*Please note, both September 25, 2019 and October 30, 2019 meeting minutes will be sent separately.

Thank you,

Adrianna Henriquez

ahenriquez@newtonma.gov | (617) 796 1133



Ruthanne Fuller
Mayor

CITY OF NEWTON, MASSACHUSETTS

City Hall
1000 Commonwealth Avenue, Newton, MA 02459-1449
Telephone: (617) 796-1060 Fax: (617) 796-1086
www.newtonma.gov

ZONING BOARD OF APPEALS

Adrianna Henriquez, Board Clerk

AGENDA

A public hearing of the Newton Zoning Board of Appeals will be held on Tuesday, November 26, 2019 at 7:00 p.m. in the City Council Chambers, Room 207, Newton City Hall, 1000 Commonwealth Avenue, Newton Centre, Massachusetts on the following petitions:

1. **#07-19** M&D Family Trust, 73 Falmouth Road, Newton, Massachusetts requesting a variance from the rear setback requirement. The petitioner proposes to construct an addition resulting in a rear setback of 7.5 feet, where 15 feet is required pursuant to section 3.1.3 of the Newton Zoning Ordinance. The property consists of a 4,254 square foot corner lot with a single-family residence constructed in 1937 and a detached garage located in a Single-Residence 3 (SR-3) zoning district.
2. **#08-19** Brendan and Betsy McSheffrey, 34 Morton Road, Newton, Massachusetts requesting a variance from sections 7.8.4.D.4 and 3.1.3 of the Newton Zoning Ordinance to waive the new (post-December 7, 1953) lot dimensional requirements so that the old lot dimensional requirements will apply. Specifically, the petitioners seek to waive the following new lot requirements: lot size, frontage, front and side setback, maximum lot coverage and minimum open space. The property consists of a 10,411 square foot lot with a single-family residence constructed in 1910 located in a Single-Residence 2 (SR-2) zoning district.
3. **#07-17** Citizens for Affordable Housing in Newton Development Organization, Inc. (CAN-DO), requesting to change the details of the Comprehensive Permit previously granted to the applicant on January 23, 2018, and amended on May 22, 2018, for a project located at 236 Auburn Street that consists of eight affordable housing units. The applicant proposes to reduce the number of required parking spaces from 11 to 10. This item will be heard for the purpose of determining whether the proposed change to the Comprehensive Permit is substantial or insubstantial.
4. Review and approval of minutes for September 25, 2019 and October 30, 2019 meetings.
5. Litigation update on 381 and 384 Dudley Road appeal.

Newton Tab

**November 13th &
November 20th, 2019**

Adrianna Henriquez

Board Clerk

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

CITY OF NEWTON
ZONING BOARD OF APPEALS

**CHECKLIST COVER PAGE
FOR VARIANCE PETITION**

To be completed by staff:

Project No.:

Petition No.:

PROPERTY LOCATION: **73 FALMOUTH ROAD**

DATE: **NOVEMBER 1, 2019**

PETITIONER: **M & D FAMILY TRUST**

ADDRESS: **73 FALMOUTH ROAD, NEWTON, MA 02465**

PHONE: **(617) 828-1119**

EMAIL: **MDOWLING@SARACENPROPERTIES.COM**

POINT OF CONTACT: **TERRENCE P. MORRIS, ESQUIRE 617 202-9132**

PLEASE CONFIRM THAT YOU HAVE INCLUDED THE FOLLOWING WITH YOUR VARIANCE PETITION. THIS CHECKLIST MUST BE INCLUDED WITH YOUR PETITION AS THE FIRST PAGE.

VARIANCE PETITIONS WILL NOT BE ACCEPTED FOR PROCESSING & SCHEDULING UNLESS ALL REQUIRED DOCUMENTS ARE PROVIDED.

DOCUMENTS

ENCLOSED
(checked by Petitioner)

CONFIRMED
(checked by Clerk)

Application Fee

 X

Zoning Review Memorandum

 X

Evidence of Legal Interest

 X

Corporate Interest List

 X

Supporting Statements

 X

Reference to Zoning Ordinance

 X

Required Site Plans

 X

Electronic Copy

 X

CITY OF NEWTON
ZONING BOARD OF APPEALS

PETITION FOR VARIANCE

To be completed by staff: Project No.: Petition No.:

PETITIONER INFORMATION

NAME: **M & D FAMILY TRUST**

ADDRESS: **73 FALMOUTH ROAD, NEWTON, MA**

PHONE: **(617) 828-1119**

EMAIL: **mdowlingn@saracenproperties.com**

SUBJECT PROPERTY INFORMATION

LOCATION OF PROPERTY: **73 FALMOUTH ROAD**

ZONING DISTRICT: **SINGLE RESIDENCE 3** PROPERTY SBL NO. **34/46/8**

OWNER OF RECORD: **M & D FAMILY TRUST**

DEED RECORDED AT MIDDLESEX SOUTH REGISTRY OF DEEDS AT:
BOOK: **68780** PAGE **444** OR CERTIFICATE NO.:

RELATIONSHIP TO SUBJECT PROPERTY: **OWNER**

CURRENT USE: **SINGLE-FAMILY DWELLING**

PROPOSED USE: **SINGLE-FAMILY DWELLING with ACCESSORY APARTMENT**

PREVIOUS VARIANCE GRANTED: **NO** DECISION NO. /DATE:

OTHER REGULATORY REVIEW: **YES** IF YES, DESCRIBE STATUS:

The Locus is the subject of a special permit application filed with the City Council on August 22, 2019 to raze the existing detached garage and construct a two-story addition to the rear of the dwelling that would contain a garage and an accessory apartment. According to a Zoning Review Memorandum prepared by Chief Zoning Code Official Jane Santosuosso, the proposed addition requires a special permit to exceed the allowable FAR and allow a parking stall within five feet of the street. The proposed addition increases the FAR to .54 which exceeds the maximum of .48 that is allowed under sections 3.1.3 and 3.1.9 of the zoning code, by 260 square feet. It also requires a variance from the rear setback requirement under section 7.6 of the zoning ordinance.

On October 29, 2019 the Land Use Committee held a public hearing on the petition, at which time the Committee unanimously (8-0) voted to recommend approval of the permit to the full City Council. The Council is expected to adopt the Committee's recommendation and grant the requested relief at its meeting on November 4, 2019.

EXISTING CONDITIONS DESCRIPTION:

The property at 73 Falmouth Rd. consists of a 4,254+/- square foot corner lot improved with a single family residence constructed in 1937 and a detached garage, which is set back six (6) feet from the rear lot line. The Locus is at the heart of an extensive Single Residence 3 (SR3) district. The block is bounded by Falmouth Road, Ellsworth Road, Parmenter Road and Dana Road. It contains 19 single-family house lots ranging in size from 4,254 square feet to 5046 square feet. The Locus is the smallest lot of the 19 lots on the block.

PROPOSAL DESCRIPTION

1. Briefly describe all proposed changes to the structure (s) and/or use (s):

The existing principal structure (single-family dwelling) and accessory detached garage are subject to different setback requirements. The principal structure must be setback at least 15 feet from the rear (west) property line and 7.5 feet from the side (north) lot line, while the accessory structure must be setback 5 feet from the rear and side lot lines. The setbacks for both the dwelling and the detached garage are currently conforming. The addition will incorporate the garage into the principal structure, requiring the setback to be at least 15 feet from the rear property line and 7.5 feet from the side lot line. The proposed addition to the rear of the dwelling will extend the footprint to the west, reducing the rear yard setback to 7.5 feet, which is the same dimensional limitation for a side lot line.

2. State all sections of the Newton Zoning Ordinance implicated in this variance petition:

According to Section 1.5.3.A (Rules of Measurement) in the case of a corner lot, the rear lot line is that which is opposite the street on which the main entrance is located, which in this case is Falmouth Road. The petitioner proposes to construct in addition resulting in a rear setback of 7.5 feet where 15 feet is required under Section 3.1.3 (Dimensional Standards).

3. State the specific relief being sought from the Newton zoning ordinance, including all ordinance dimensional requirements and proposed dimensional conditions:

The Petitioner proposes to construct an addition resulting in a rear setback of 7.5 feet where 15 feet is required. The Petitioner requests a variance from the 15' rear yard setback requirement.

4. Identify and describe all plans and supporting documents being submitted with this variance petition:

1. Architectural Plan Set, prepared by C. D. Calhoun, Architect, updated 6/6/19, consisting of 3 sheets including: Floor Plans, Elevations, Cross Section and FAR Calculations.

2. Civil Plans, dated August 13, 2019, prepared by Verne T. Porter, Professional Land Surveyor, consisting of 3 sheets: Existing Conditions Plan, him Proposed Conditions Site Plan and Area Plan.

SUPPORTING STATEMENT

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH G. L. C. 40A, s. 10

1. Explain the special circumstances related to soil conditions, the shape or the topography of the land or structure that are unusual and that do not generally affect other properties in the zoning district:

There are several factors that make the locus unique that do not generally pertain to or affect most of the other properties in the surrounding district. First, the Locus is a corner lot. More than 80% of the other lots located in the extensive SR3 district that comprises the neighborhood are not so situated. As a corner lot its rear yard setback is adversely impacted. The property consists of a 4,254+/- square foot. The Locus is not only the smallest lot of the 19 lots on the block, it is the second smallest of the more than 125 lots shown on the Neighborhood Area Plan submitted with the petition.

2. Explain how the literal enforcement of the Newton Zoning Ordinance will result in a substantial hardship to the owner and that the proposed variance is the minimum change that is necessary to allow the reasonable use of the land or structure.

The unique circumstances of the site as described above create a substantial hardship, financial and otherwise, for anyone seeking to avail itself of that provision in the ordinance which permits accessory apartments as of right, consistent with its SR3 zoning.

Due to its corner situation it is one of the only lots in the subject block with two front setback requirements which result in what is functionally a side lot line being treated as a rear lot line with more onerous setback requirements. This situation has resulted in the economic use of the land being constrained by the unique setback requirements applicable to corner lots. These circumstances create a considerable challenge for this property in comparison to other properties in the district. These considerations negatively impact typical development of the site for use as a matter of right.

3. Explain why granting the proposed variance will be in harmony with the purpose and intent of the Newton Zoning Ordinance and will not be detrimental to the neighborhood or the public welfare.

It is well established that the primary objective of setback requirements in a zoning context is to control the spatial relationship of a building to the land on which it is sited. As a practical matter, the existing garage is setback six (6) feet from the

neighboring property at 9 Elsworth Road. The addition will improve that situation to 7.5 feet.

Furthermore, the Planning Department stated in its report, dated October 25, 2019 to the City Council, “The subject property is located in a compact, walkable neighborhood containing one and two-story structures on uniformly-sized lots. The footprints of these structures consume much of the lots’ widths, creating a strong streetwall. ... Although the Ordinance classifies this portion of the lot as a rear setback, the area acts more as a side setback in accordance with the houses to the west on the northern side of Falmouth Street...The addition will strengthen the existing streetwall along the northern side of Elsworth Road, and it is designed to complement the architecture of the principal structure and to be subordinate in height to the principal structure as well. For these reasons staff does not believe that the increase in FAR will be in derogation of the size, scale, and design of other structures in the neighborhood...”.

For all of these reasons, the relief sought will not create substantial detriment to the public good and will not nullify or derogate from the intent or purpose of the zoning ordinance.

PROPERTY OWNER CONSENT, CERTIFICATION & SIGNATURE

I am the owner of the property subject to this variance petition and I consent and certify as follows:

1. I grant permission for officials and employees of the city of Newton to access my property for the purposes of this petition;
2. I certify that I have read the Board’s Rules and Procedures before submittal to ensure the completeness of my petition;
3. I certify that all these statements within this application and attachments are true and accurate to the best of my knowledge and belief.

X Maureen Dowling, Trustee 11/1/2019
(Petitioner Signature) (Date)

X _____
(Petitioner Signature) (Date)

If Applicable:

Name of Attorney/Agent for Applicant: **Terrence P. Morris Esq.**

Address of Attorney/Agent: **57 Elm Road, Newton, MA**

Phone Number of Attorney/Agent: **(617) 202-9132**

Email Address of Attorney/Agent: **tpmorris.landuse.law@comcast.net**



Ruthanne Fuller
Mayor

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

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(617) 796-1120
Telefax
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(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 22, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Maureen Dowling, Trustee M&D Family Trust
Terrence Morris, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request for a special permit to exceed FAR and to extend a nonconforming front setback and a variance from the rear setback requirement

Applicant: M&D Family Trust	
Site: 73 Falmouth Road	SBL: 34046 0008
Zoning: SR3	Lot Area: 4,254 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with an accessory apartment

BACKGROUND:

The property at 73 Falmouth Road consists of a 4,254 square foot corner lot improved with a single-family residence constructed in 1937 and a detached garage. The petitioners propose to renovate and expand the existing garage and construct an addition attaching it to the main dwelling. The proposed addition requires a special permit to exceed the allowable FAR.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared Terrence Morris, attorney, dated 4/1/2019
- FAR Worksheet, submitted 4/1/2019, updated 6/6/2019
- Existing Conditions Site Plan, prepared by Verne T. Porter, surveyor, dated 10/18/2018
- Architectural plans and elevations, prepared by C.D. Calhoun, architect, dated 12/19/2018, updated 6/6/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to expand an existing detached garage structure and attach it to the main dwelling to be used as an accessory apartment. The proposed construction adds 681 square feet to the existing 1,621 square feet. The proposed addition increases the FAR from .38 to .54, which exceeds the maximum of .48 allowed by sections 3.1.3 and 3.1.9, requiring a special permit.
2. Utilizing the averaging provisions for front setbacks per section 1.5.3, the required front setback is 21.45 feet. The existing dwelling has a front setback of 15.9 feet from Elsworth Road. The petitioners intend to extend the house to construct an attached garage off of Elsworth Road, with a proposed setback of 21.1 feet. The petitioner requires a special permit to extend the nonconforming front setback per section 7.8.2.C.2.
3. There is an existing parking stall in the driveway which is nonconforming per section 5.1.7.A, as it is located within five feet of the street. The proposed addition increases the nonconforming front setback of the house by two feet, thereby pushing that parking stall closer to the street, increasing the nonconformity of the parking stall as well. Per sections 5.1.7.A and 7.8.2.C.2, a special permit is required to allow the parking stall to locate two feet closer to the street.
4. Per section 1.5.3.A, in the case of a corner lot, the rear lot line is that which is opposite the street on which the main entrance is located, which in this case is Falmouth Road. The petitioners propose to construct an addition resulting in a rear setback of 7.5 feet, where 15 feet is required per section 3.1.3. To allow a reduction of the required rear setback a variance per section 7.6 is required.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	4,254 square feet	No change
Frontage	70 feet	50 feet	No change
Setbacks			
• Front (Falmouth Rd)	25 feet	26 feet	No change
• Front (Elsworth Rd)	21.45 feet*	15.9 feet	No change
• Side	7.5 feet	7.5 feet	No change
• Rear	7.5 feet**	28.8 feet	7.5 feet
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	27.3 feet	No change
FAR	.48	.38	.54
Max Lot Coverage	30%	24%	26.9%
Min. Open Space	50%	62.62%	63%

*per section 1.5.3.B

**per section 3.1.13

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3 §3.2.11	Request to exceed FAR	S.P. per §7.3.3
§1.5.3 §3.2.3 §7.8.2.2	Request to further extend a nonconforming front setback	S.P. per §7.3.3
§5.1.7.A §7.8.2.C.2	To further extend nonconforming parking within five feet of the street	S.P. per §7.3.3
§3.1.3	Request for a variance from rear setback requirement	Variance per §7.6

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

2



Bk: 68780 Pg: 444 Doc: DEED
Page: 1 of 2 01/19/2017 11:12 AM

QUITCLAIM DEED

We, MAUREEN G. DOWLING and DENNIS P. DOWLING, being not married, of Newton, Middlesex County, MA

For consideration paid and in full consideration of One and 00/100 (\$1.00) Dollar

GRANT to MAUREEN G. DOWLING and DENNIS P. DOWLING as Trustees of the M&D Family Trust u/t/d December 13, 2016, a Certificate of which Trust is recorded herewith Of 73 Falmouth Road, West Newton, MA 02465

WITH QUITCLAIM COVENANTS

The land in NEWTON, in that part known as West Newton, with the buildings thereon, numbered 73 Falmouth Road, being shown as LOT 187 on Plan entitled "Plan of Parmenter Road in Waltham and Newton, Mass., Property of Thomas A. Joyce Realty Tr.", dated May, 1923 by Rowland H. Barnes and Henry F. Beal, C.E. recorded with Middlesex South District Deeds as filed Plan No. 731, bounded and described as follows:

- EASTERLY by Falmouth Road, thirty-seven and 61/100 (37.61) feet;
- SOUTHEASTERLY by the intersection of Falmouth Road and Ellsworth Road, twenty-two and 34/100 (22.34) feet;
- SOUTHERLY by Ellsworth Road, sixty-seven and 86/100 (67.86) feet;
- WESTERLY by Lot 188 on said Plan, fifty-one and 25/100 (51.25) feet; and
- NORTHERLY by Lot 186 on said Plan, eighty-five and 81/100 (85.81) feet.

Containing 4,254 square feet of land according to said plan.

Being the same premises as described in a Deed dated January 12, 2006 and recorded with Middlesex Deeds in Book 46892, Page 295.

Premises Address-73 Falmouth Road, West Newton, MA 02465

73 Falmouth Road, Newton

Witness our hands and seals this 13th day of December 2016.

Maureen G. Dowling
MAUREEN G. DOWLING

Dennis P. Dowling
DENNIS P. DOWLING

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

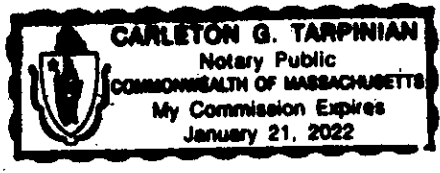
Dec 13, 2016

On this 13 day of December 2016, before me, the undersigned Notary Public, personally appeared MAUREEN G. DOWLING and DENNIS P. DOWLING, proved to me through satisfactory evidence of identification, which was their Massachusetts driver's licenses to be the persons whose names are signed above and acknowledged to me that they signed it voluntarily for its stated purpose.

Carleton G. Tarpinian

Notary Public:
My commission expires:

AFFIX SEAL HERE



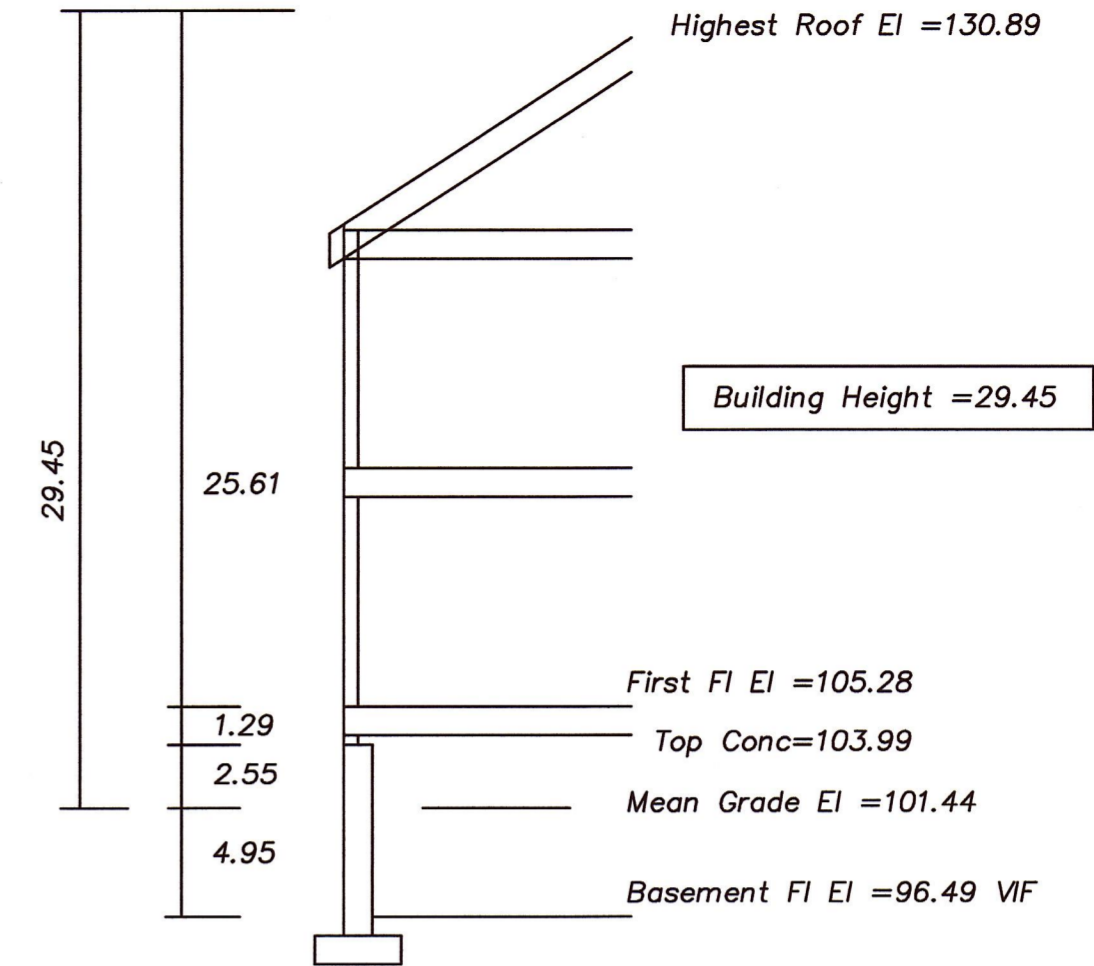
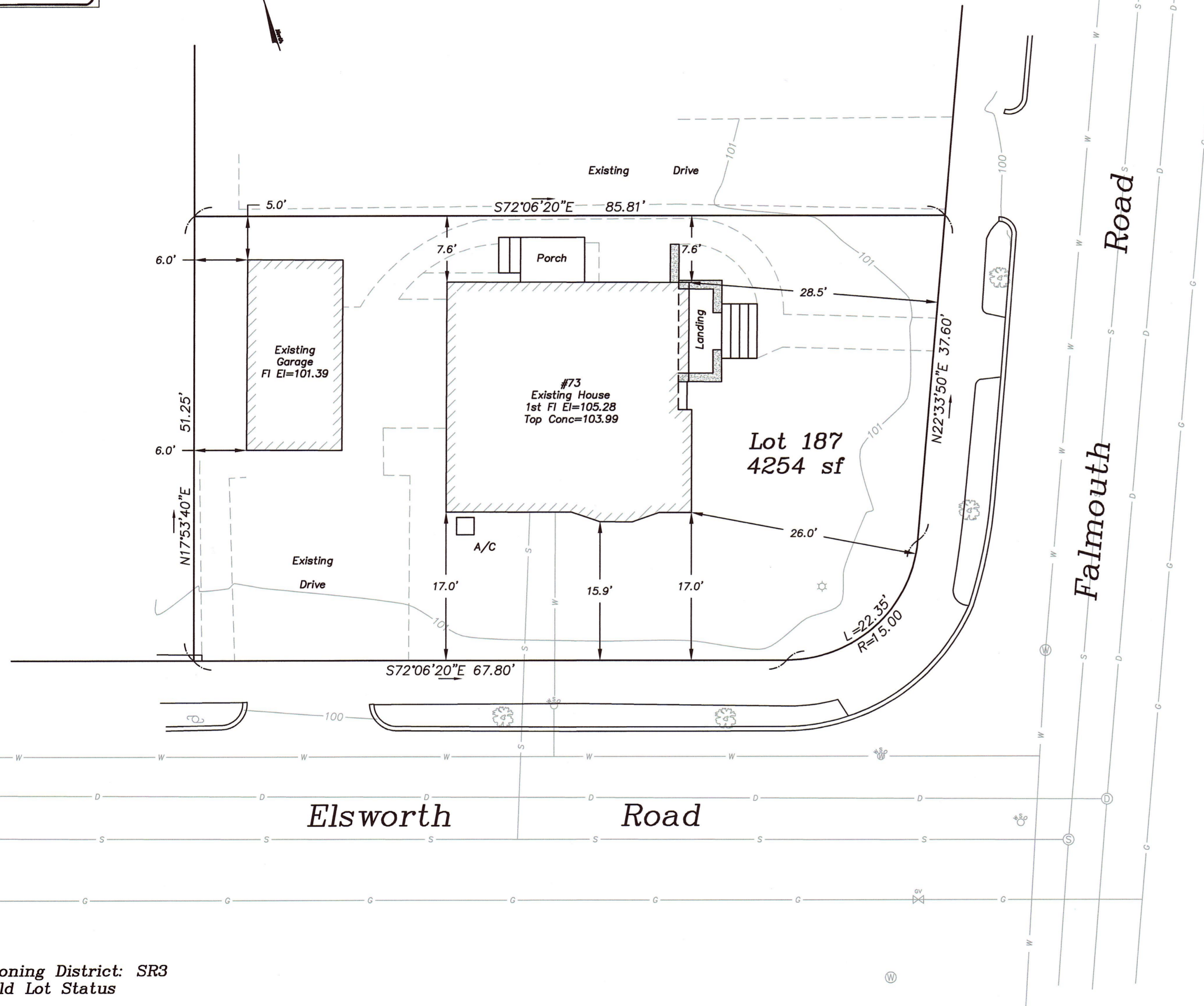
CITY OF NEWTON
ZONING BOARD OF APPEALS
CORPORATE (TRUSTEE) INTEREST LIST

OWNER OF RECORD: M & D FAMILY TRUST

TRUSTEES: MAUREEN DOWLING, DENNIS DOWLING

ADDRESS: 73 FALMOUTH ROAD, NEWTON MA 02465

Dig Safe
 Excavators
 Before you dig contact the Dig Safe Center.
 To prevent damage to telephone, gas or
 electric underground facilities of member
 utilities, call toll free
 Massachusetts state law requires
 notification at least three business days
 before you start digging operations. In an
 emergency, call immediately.



$\frac{7.5}{2} = 3.75$ Minimum Average Required Below Grade = 3.75
 Basement Floor to Average Mean Grade = 4.95

Basement Does Not Count as a Story

Existing Height Calculation

Zoning District: SR3
 Old Lot Status

Allowed/Required
 Lot Coverage=30%
 Open Space=50%

Existing
 Lot Coverage=24.01%
 Open Space=62.62%

Allowed FAR=0.48% (2042 sf)

Existing utilities shown are from field locations
 and available plans of record and may or may
 not be correct. Field verify all locations prior to
 any excavation.



73 Falmouth Road, Newton, MA

Section 34 - Block 46 - Lot 8

Existing Conditions Site Plan

Scale: 1"=10' August 13, 2019

VERNE T. PORTER Jr., PLS

Land Surveyors - Civil Engineers

354 Elliot Street Newton, Massachusetts 02464



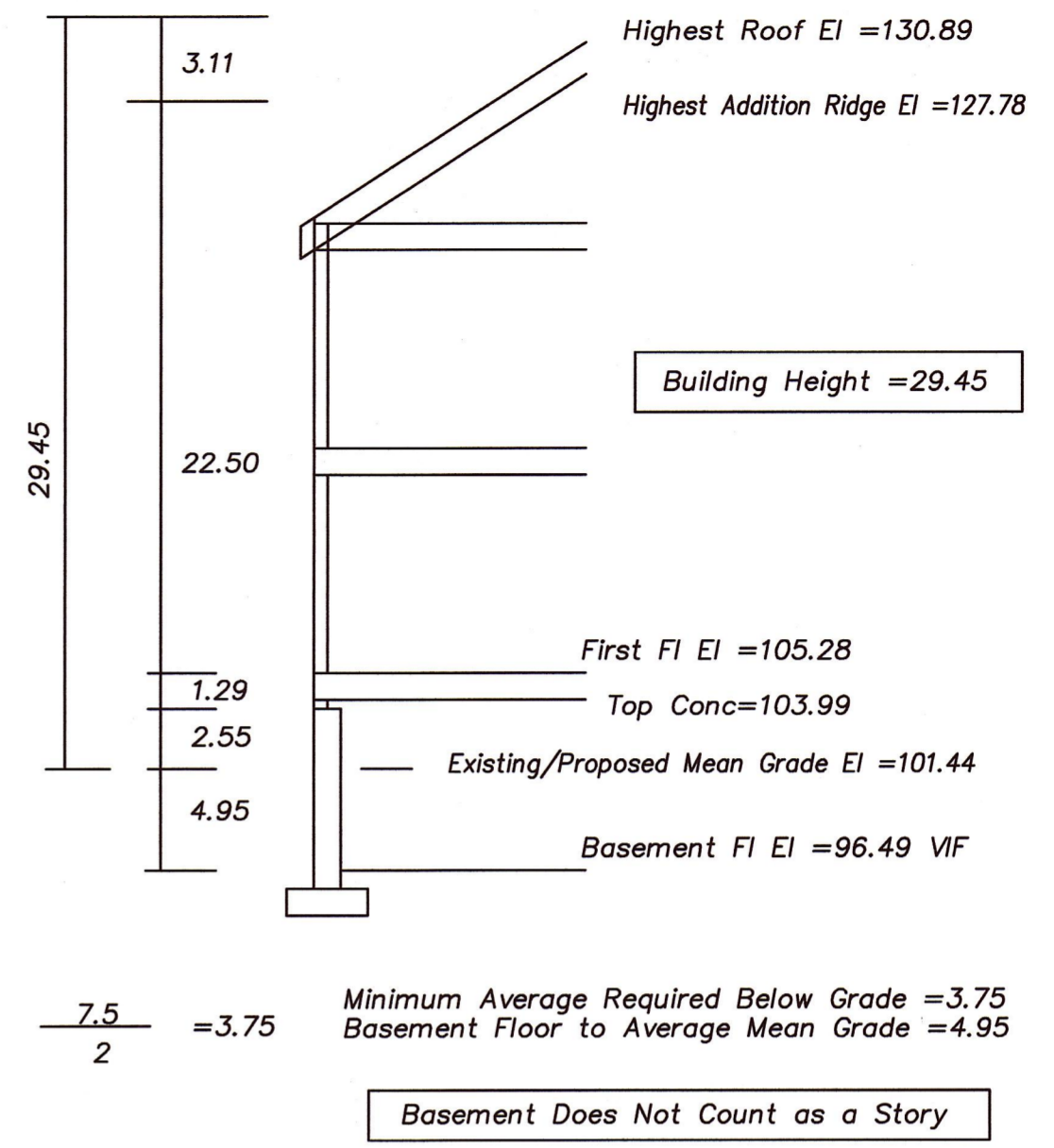
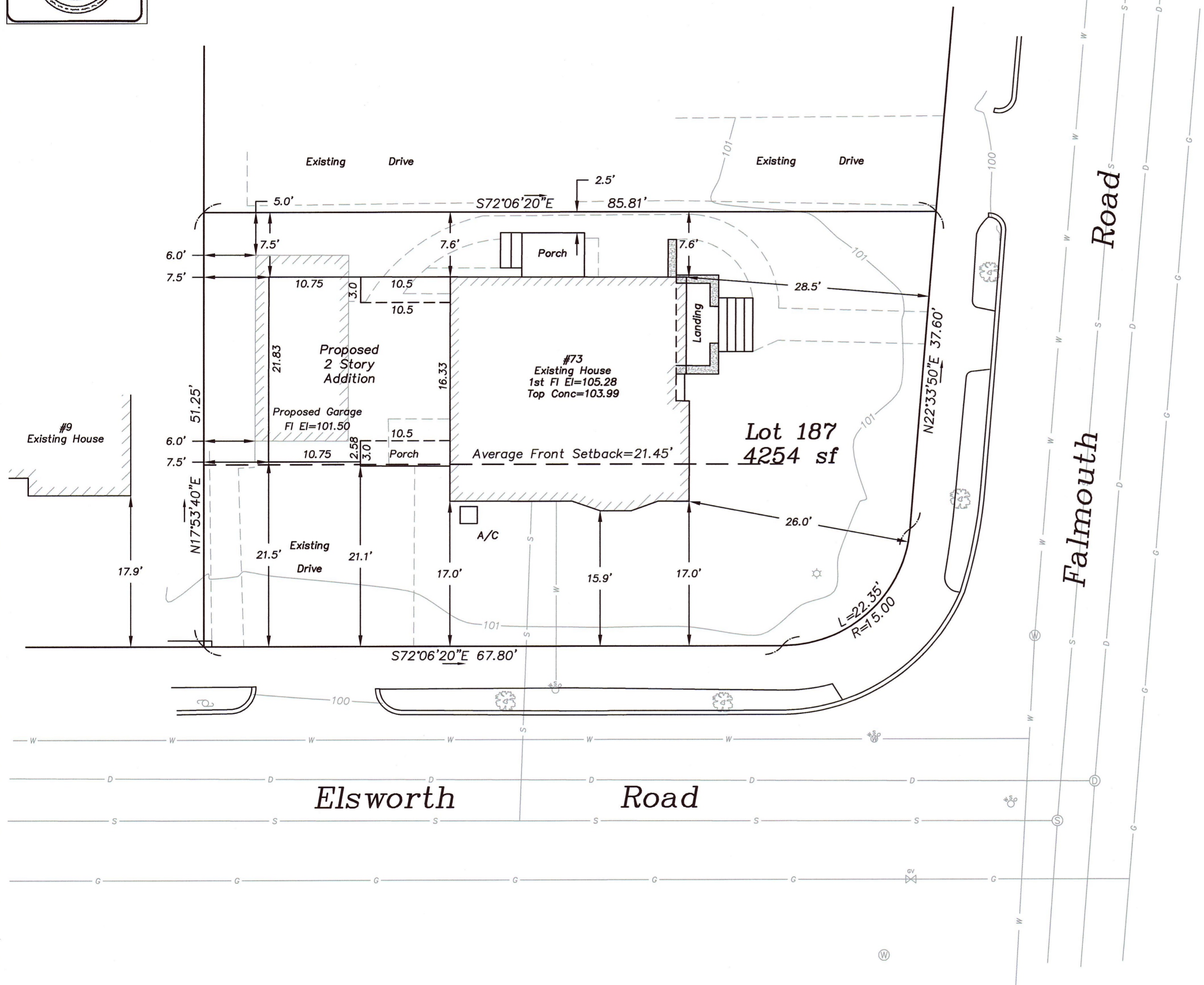
Sheet 2 of 3

Project: 18047

Checked By: V. Porter Jr.

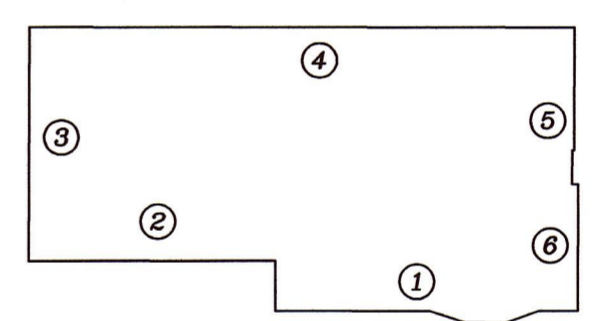
Drawn By: R. Jardine Jr.

Dig Safe
 •Excavators
 Before you dig contact the Dig Safe Center. To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.



Proposed Height Calculation

Zoning District: SR3
 Old Lot Status
 Allowed/Required Lot Coverage=30%
 Open Space=50%
 Existing Lot Coverage=24.01%
 Open Space=62.62%
 Proposed Lot Coverage=30.20%
 Open Space=57.86%



Mean Grade Elevation =101.44

Average Front Setback Calculation
 Elsworth Rd Average Front Setback=21.45'
 Required Front Setback=25.0'
 Existing House #9 Elsworth Rd=17.9'
 $25.0' + 17.9' = 42.9' / 2 = 21.45'$

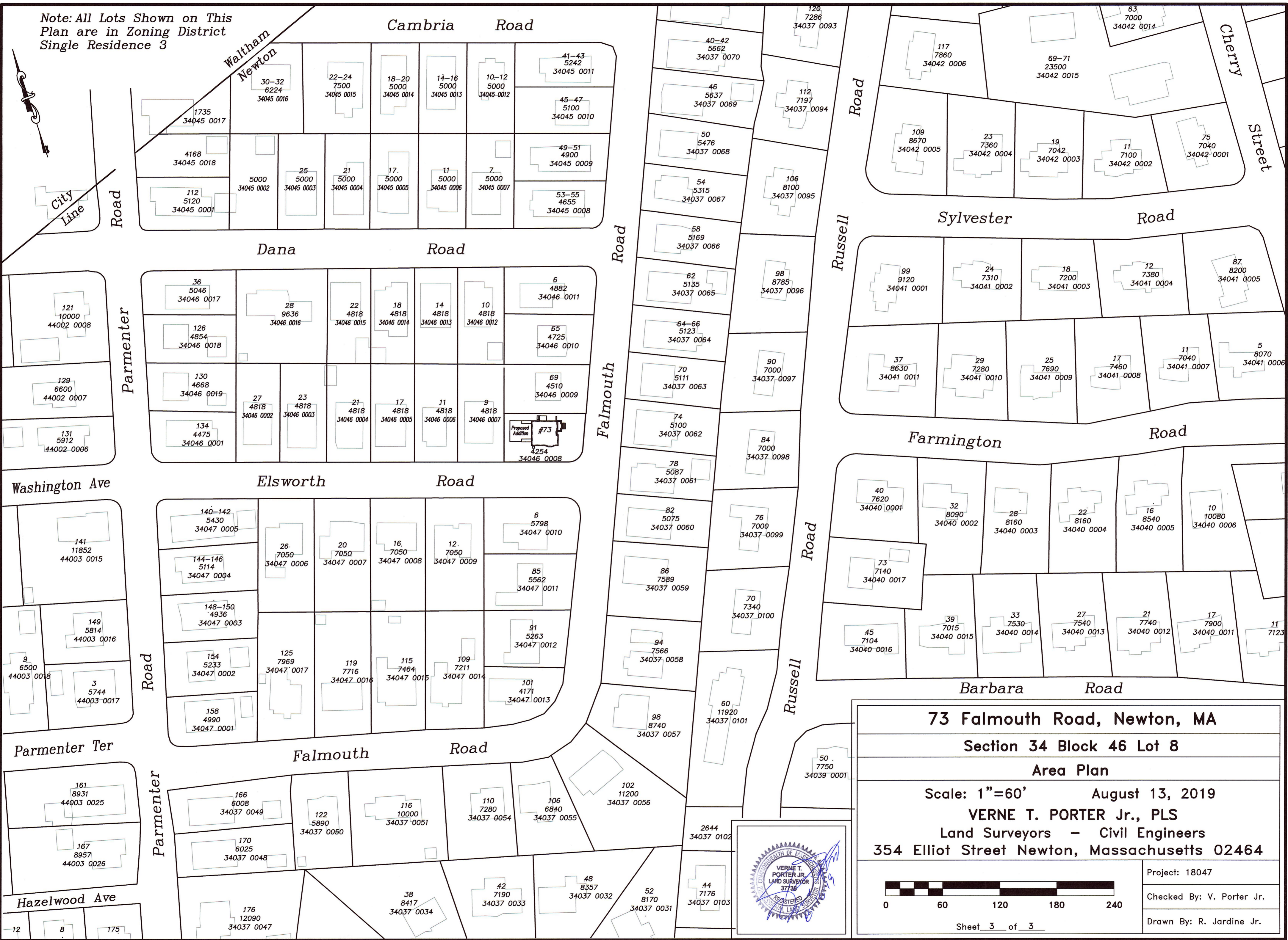
Falmouth Rd Required Front Setback=25.0'

Existing utilities shown are from field locations and available plans of record and may or may not be correct. Field verify all locations prior to any excavation.



73 Falmouth Road, Newton, MA	
Section 34 - Block - 46 - Lot 8	
Proposed Addition Location	
Scale: 1"=10'	August 13, 2019
VERNE T. PORTER Jr., PLS Land Surveyors - Civil Engineers 354 Elliot Street Newton, Massachusetts 02464	
Sheet 1 of 3	
Project: 18047	
Checked By: V. Porter Jr.	
Drawn By: R. Jardine Jr.	

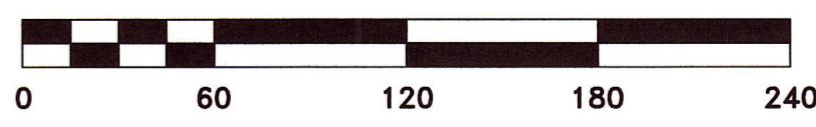
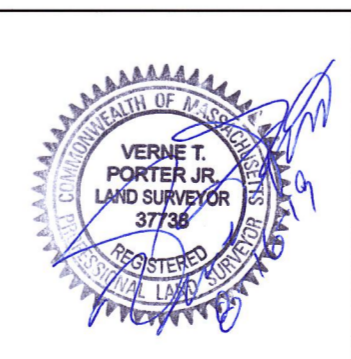
Note: All Lots Shown on This Plan are in Zoning District Single Residence 3

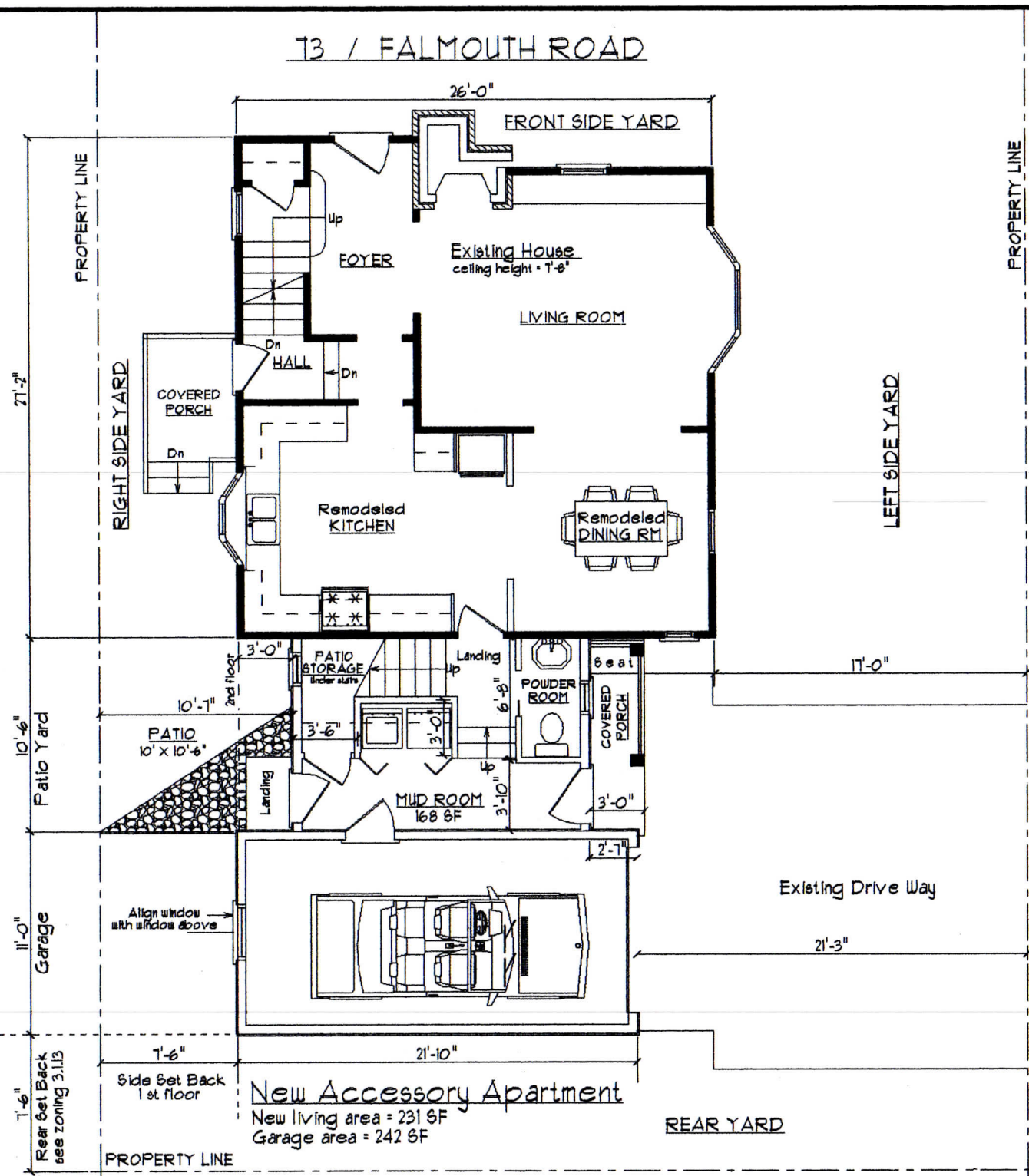
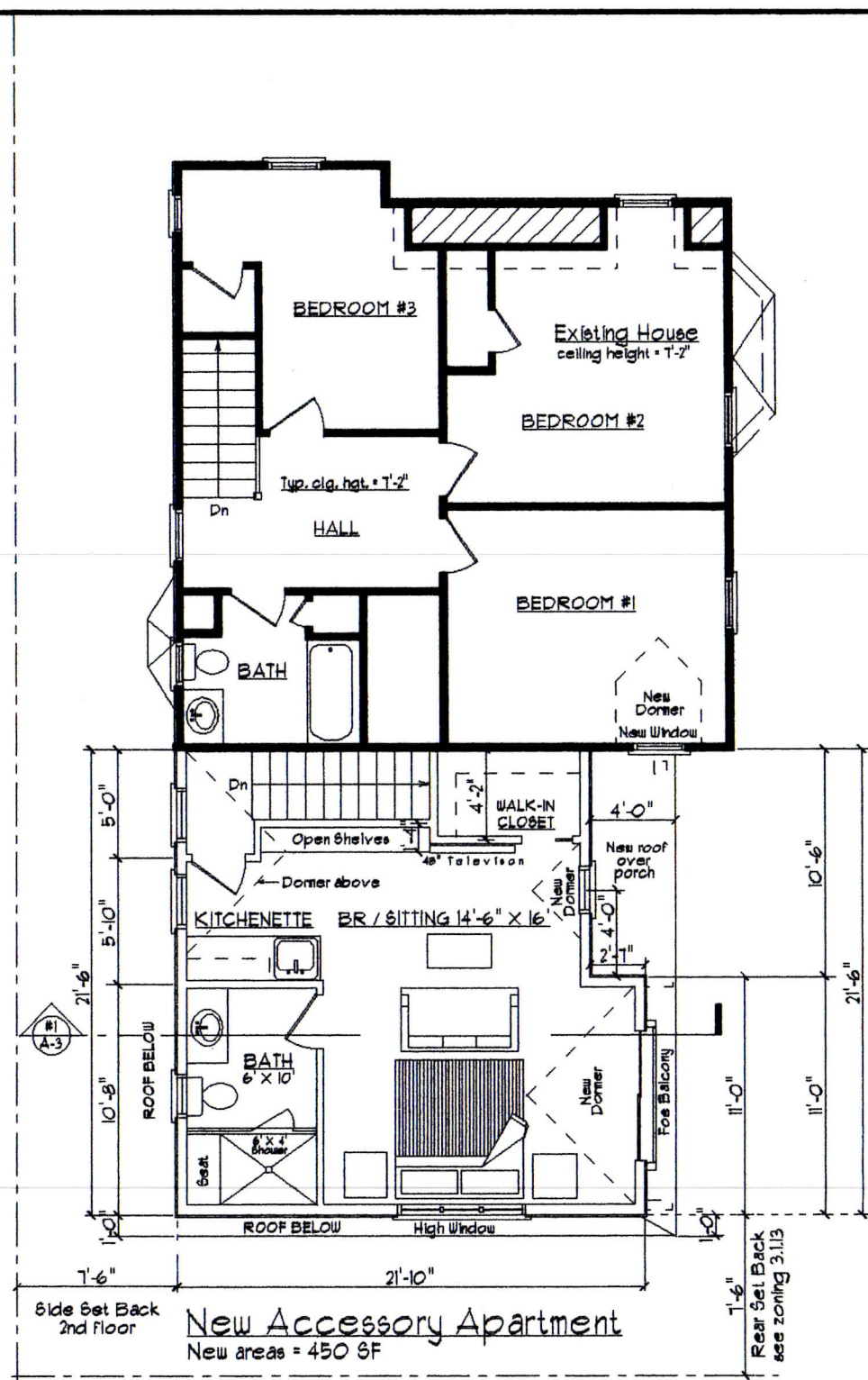


73 Falmouth Road, Newton, MA
Section 34 Block 46 Lot 8
Area Plan
 Scale: 1"=60' August 13, 2019
VERNE T. PORTER Jr., PLS
 Land Surveyors - Civil Engineers
 354 Elliot Street Newton, Massachusetts 02464

Project: 18047
 Checked By: V. Porter Jr.
 Drawn By: R. Jardine Jr.

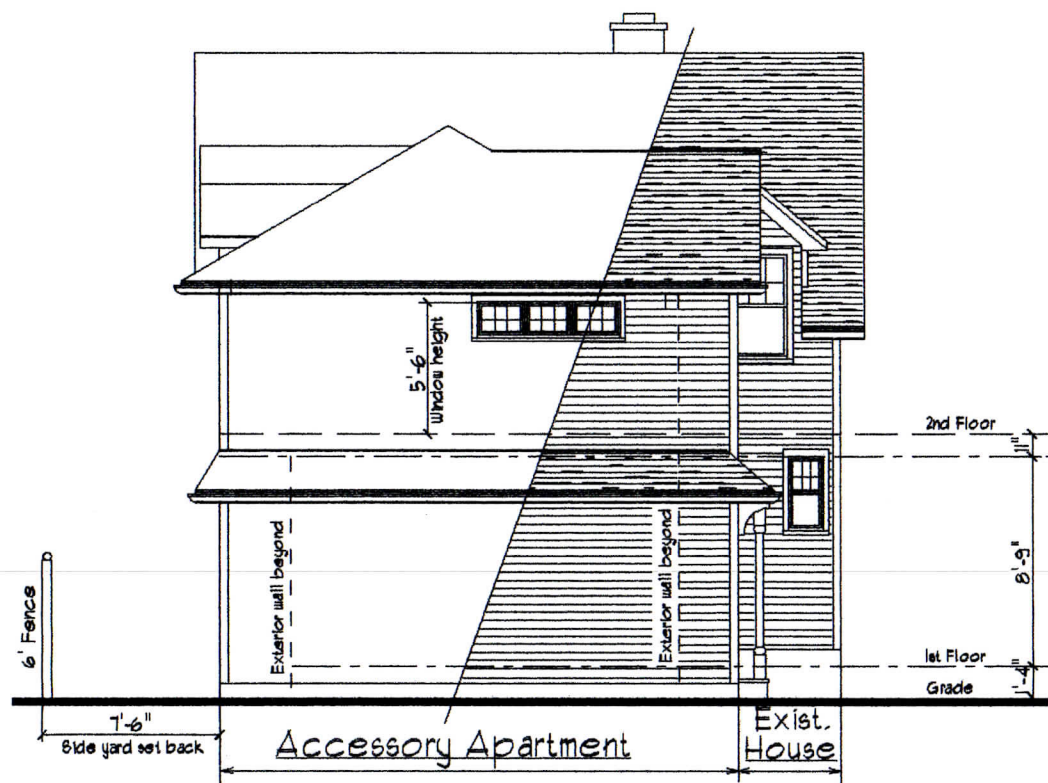
Sheet 3 of 3



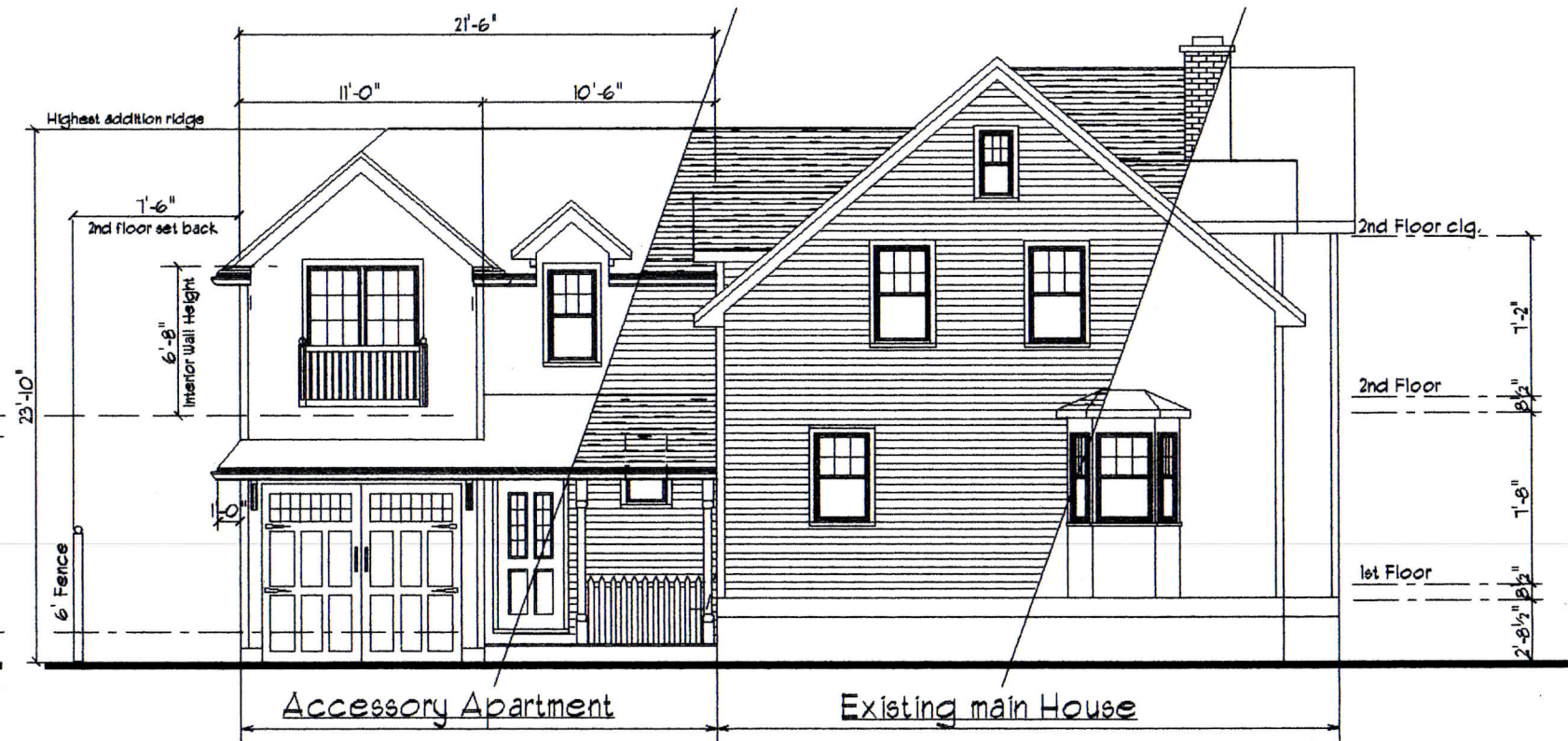


WALL LEGEND:
 WALLS SHOWN AS SOLID ARE EXISTING
 WALLS SHOWN AS HOLLOW ARE NEW

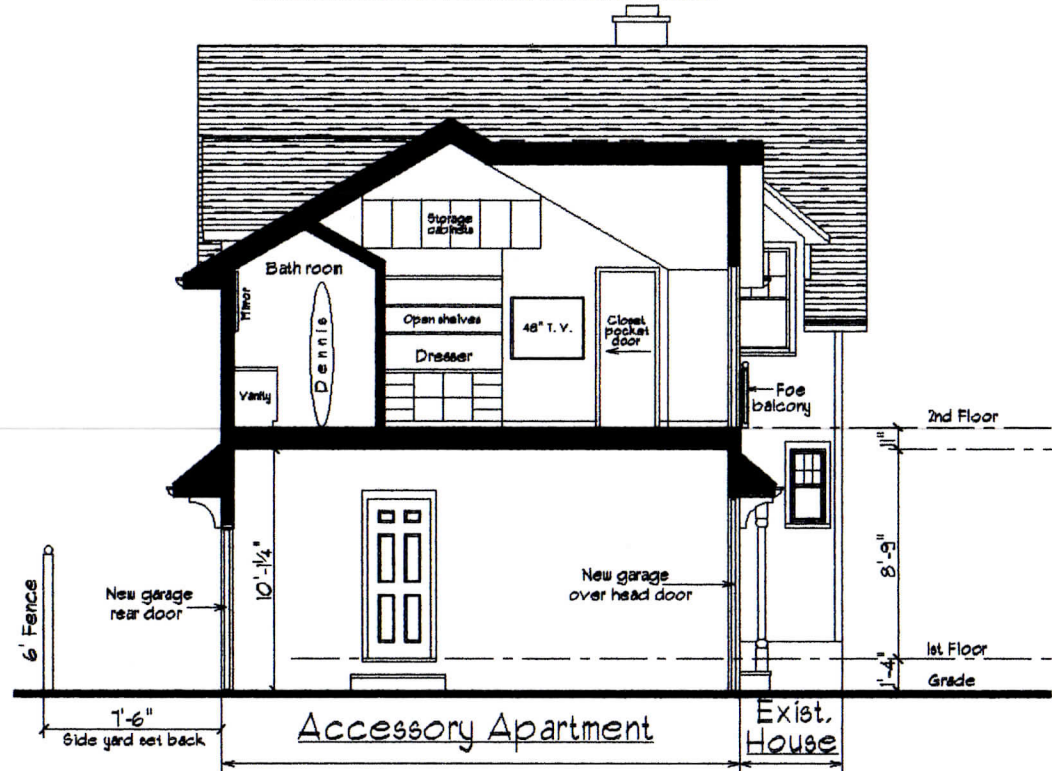
ADDITION TO 13 FALMOUTH ROAD		
DATE 12/29/18 2/10 - 2/19	DRAWING NO.	A-2
REVISED Rev 5/19/19		
TITLE NEW ACCESSORY APARTMENT		
C.D. CALHOUN AND ASSOCIATES INCORPORATED		
51 SACHEM DRIVE, SAGAMORE BEACH MA 066, 02562 508 - 833 - 3706		



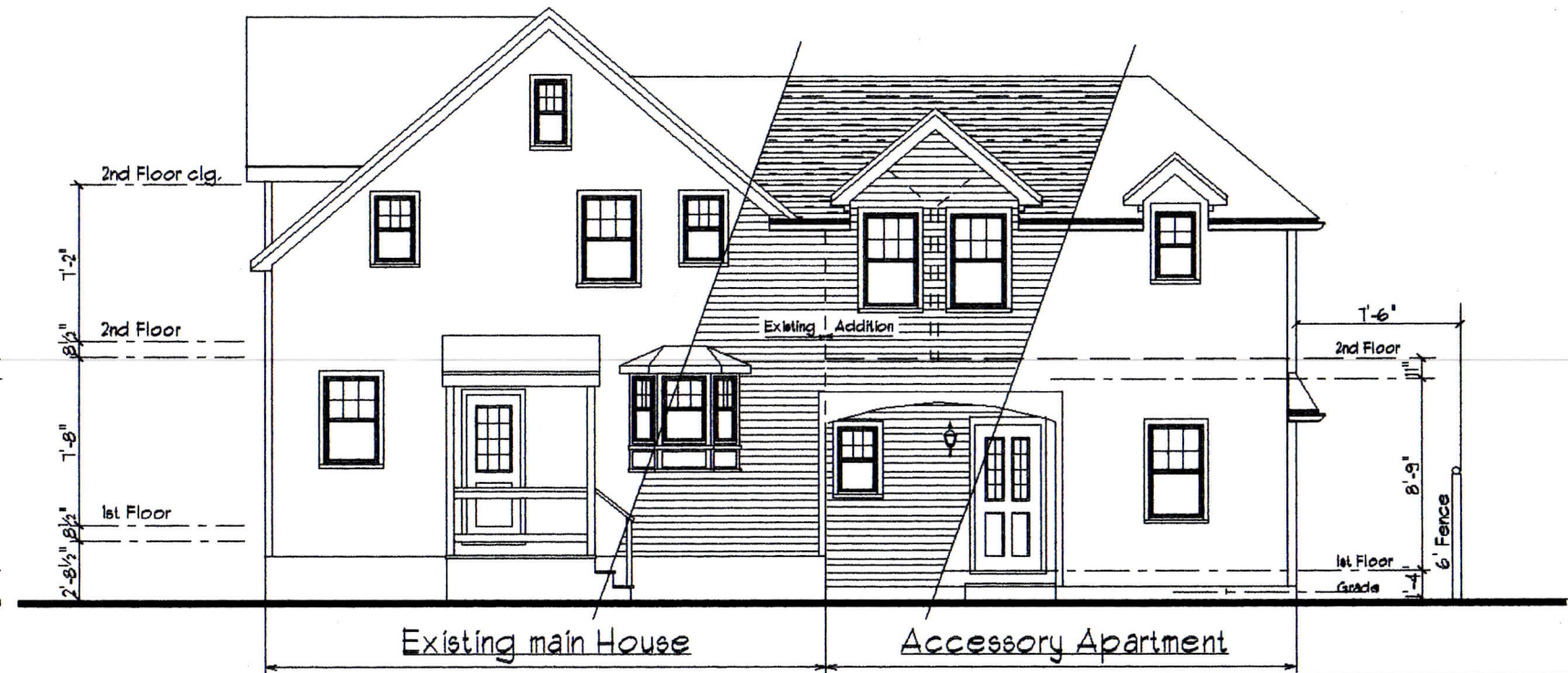
REAR ELEVATION



LEFT ELEVATION / ELLSWORTH ROAD



Cross section #1 thru garage / apartment



RIGHT ELEVATION

ADDITION TO 73 FALMOUTH ROAD		
DATE	1/2/19 2/18 - 2/19	DRAWING NO.
REVISED	Rev 5/19/19	A-2
TITLE NEW ELEVATIONS & CROSS SECTION		
C.D. CALHOUN AND ASSOCIATES INCORPORATED		
51 SACHEM DRIVE, SAGAMORE BEACH MA66, 02562 508 - 833 - 3106		



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Inspectional Services
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1060
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(617) 796-1086
TDD/TTY
(617) 796-1089
www.newtonma.gov

John Lojek
Commissioner

FLOOR AREA RATIO WORKSHEET

For Residential Single and Two Family Structures

Property address: 73 FALMOUTH RD

FAR Calculations for Regulations Effective As Of October 15, 2011			
Inputs (square feet)			
		EXISTING	PROPOSED
1. First story		746	231
2. Attached garage		0	0
3. Second story		633	450
4. Atria, open wells, and other vertical spaces (if not counted in first/second story)		0	0
5. Certain floor area above the second story ^{1b}		0	0
6. Enclosed porches ^{2b}		0	0
7. Mass below first story ^{3b}		0	0
8. Detached garage		242	0
9. Area above detached garages with a ceiling height of 7' or greater		0	0
10. Other detached accessory buildings (one detached building up to 120 sq. ft. is exempt)		0	0
FAR of Proposed Structure(s)			
A Total gross floor area (sum of rows 1-9 above)	2,302 SF	1,621 SF	681 SF
B Lot size	4,254 SF		
C FAR = A/B	.54		
Allowed FAR			
Allowable FAR	.48		
Bonus of .02 if eligible ^{4b}	0		
TOTAL Allowed FAR	.48		



ROSENBERG, FREEDMAN & LEE LLP

ATTORNEYS AT LAW

246 Walnut Street, Suite 201
Newton, Massachusetts 02460-1639

617-964-7000

Fax: 617-964-4025

Sender's e-mail: llee@rfl-law.com

Jason Allen Rosenberg
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Paula J. Morgan
Susan H. Levin
Ellen M. McVay
Hope C. Vassos
Andrea Hickey *
Peter C. Beebe
Ashley Y. Aubuchon

Of Counsel:

Karen M. Buckley*

Elizabeth Baum, P.C.

*admitted in MA and NY

November 5, 2019

Brooke Lipsitt, Chair
Newton Zoning Board of Appeals
1000 Commonwealth Avenue
Newton, Massachusetts 02459
c/o Adrianna Henriquez, Board Clerk

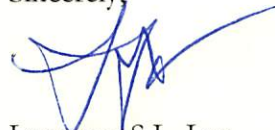
Re: Petition For Variance 34 Morton Road, Newton, Massachusetts

Dear Madam Chair Lipsitt:

Enclosed for filing, please find a completed Petition For Variance for the above-referenced property including all attachments. Respectfully, we request to be placed on the docket for the November 27th public hearing with the Zoning Board of Appeals. Further, as we recognize that the regularly scheduled November hearing is the day before Thanksgiving, we are open to having an earlier special hearing, possibly on November 25th or November 26th, to better accommodate the schedules for all involved. If that is acceptable to you and to the Board, I will defer to Ms. Henriquez to make proper arrangements to meet the legal notice requirements.

Should you have any questions, please do not hesitate to call or email me.

Sincerely,



Laurance S.L. Lee

Enclosures

cc: Betsy and Brendan McSheffrey (with enclosures)

Table of Contents
Petition for Variance
Brendan McSheffrey and Betsy McSheffrey
34 Morton Road, Newton, Massachusetts (“Property”)

1. Checklist Cover Page For Variance Petition
2. Petition For Variance with Supporting Statements
3. Zoning Review Memorandum
4. McSheffrey’s Current Deed of Property
5. Prior Owner Weiss Deed of Property and Deed of Subdivided Land
6. Subdivision Plan of Land, Prepared by Verne T. Porter, Jr., dated March 31, 2003
7. Newton Historical Commission Demolition Review Decisions – dated July 13, 2018 and October 3, 2018
8. Proposed Architectural Plans, Prepared by McKay Architects
9. Proposed Civil Plan, Prepared by Peter Nolan & Associates LLC
10. Letter of McKay Architects
11. Letter of Spruhan Engineering
12. Copy of Newton Zoning Ordinances – Section 7.8.4
13. City of Newton Assessors Area Map and Zoning Map

**CITY OF NEWTON
ZONING BOARD OF APPEALS**

ZBA Date/Time Stamp

City Clerk Date/Time Stamp

**CHECKLIST COVER PAGE
FOR VARIANCE PETITION**

To be completed by Staff: Project No.: _____ Petition No.: _____

PROPERTY LOCATION: 34 Morton Road, Newton, MA DATE: _____

PETITIONER: Brendan McShaffrey and Betsy McShaffrey

ADDRESS: 34 Morton Road, Newton, MA

PHONE: _____ EMAIL: _____

POINT OF CONTACT: Attorney Laurance Lee - 617-964-7000

PLEASE CONFIRM THAT YOU HAVE INCLUDED THE FOLLOWING WITH YOUR VARIANCE PETITION. THIS CHECKLIST MUST BE INCLUDED WITH YOUR PETITION THE FIRST PAGE.

VARIANCE PETITIONS WILL NOT BE ACCEPTED FOR PROCESSING & SCHEDULING UNLESS ALL REQUIRED DOCUMENTS ARE PROVIDED.

DOCUMENTS **ENCLOSED** **CONFIRMED**
(checked by Petitioner) (checked by Clerk)

- _____ Variance Petition Form (15 copies) ✓
- _____ Application Fee ✓
- _____ Zoning Review Memorandum ✓
- _____ Evidence of Legal Interest ✓
- _____ Corporate Interest List NA
- _____ Supporting Statements ✓
- _____ Reference to Zoning Ordinance ✓
- _____ Required Site Plans ✓
- _____ Electronic Copy ✓

CITY OF NEWTON
ZONING BOARD OF APPEALS

PETITION FOR VARIANCE

IMPORTANT: APPLICANTS MUST COMPLETE ALL ITEMS ON THIS FORM

PETITIONER INFORMATION

NAME: Brendan McSheffrey and Betsy McSheffrey
ADDRESS: 34 Morton Road, Newton, MA
PHONE: c/o Laurance Lee-617.964.7000 EMAIL: LLEE@RFL-LAW.COM

If the petitioner and/or property owner is a company, corporation or other entity, a list of the names and addresses of the principals, officers and/or managers must be attached to this form.

SUBJECT PROPERTY INFORMATION

LOCATION OF PROPERTY: 34 Morton Road, Newton, MA
ZONING DISTRICT: SR2 PROPERTY SBL NO.: 240430016
OWNER OF RECORD: Brendan McSheffrey and Betsy McSheffrey
DEED RECORDED AT MIDDLESEX SOUTH REGISTRY OF DEEDS AT:
BOOK: 39865 PAGE 483 OR CERTIFICATE NO.: _____
RELATIONSHIP TO SUBJECT PROPERTY (i.e. owner, abutter, etc.):
OWNER
CURRENT USE: Single Family residence
PROPOSED USE: Single Family residence
PREVIOUS VARIANCE GRANTED: YES ___ NO DECISION NO./DATE: _____
OTHER REGULATORY REVIEW: YES NO ___ IF YES, DESCRIBE STATUS:
Newton Historical Commission completed its review and APPROVED the plans to
demolish the existing house and replace with a new single-family house.
EXISTING CONDITIONS DESCRIPTION:
Existing single-family residence

PROPOSAL DESCRIPTION

- 1. Briefly describe all proposed changes to the structure(s) and/or use(s):

To demolish the existing single-family house and to replace it with a new single-family house.

Newton Historical Commission approved the demolition and the proposed plans

- 2. State all sections of the Newton Zoning Ordinance implicated in this variance petition:

Chapter 30 - Section 7.8.4.D of the City of Newton Zoning Ordinances, as amended

- 3. State the specific relief being sought from the Newton Zoning Ordinance, including all ordinance dimensional requirements and proposed dimensional conditions:

We seek a variance from Newton Zoning Ordinances Section 7.8.4.D.4. so that the subject property shall remain and maintain the current zoning status of a Pre-December 7, 1953 (so-called "old" lot) under the Newton Zoning Ordinances after the house is demolished. The proposed new house MEETS and COMPLIES with all of the zoning dimensional requirements of an "old" lot.

- 4. Identify and describe all plans and supporting documents being submitted with this variance petition:

The plans provided with this Petition are the plans approved by the Newton Historical Commission.

SUPPORTING STATEMENT

EACH OF FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH G.L. C. 40A, § 10.

1. Explain the special circumstances related to soil conditions, the shape or the topography of the land or structure that are unusual and that do not generally affect other properties in the zoning district:

Please see attached Supporting Statement.

2. Explain how the literal enforcement of the Newton Zoning Ordinance will result in a substantial hardship to the owner and that the proposed variance is the minimum change that is necessary to allow the reasonable use of the land or structure.

Please see attached Supporting Statement.

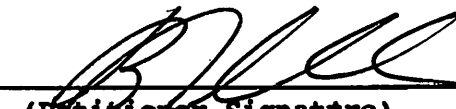
3. Explain why granting the proposed variance will be in harmony with the purpose and intent of the Newton Zoning Ordinance and will not be detrimental to the neighborhood or the public welfare.


Please see attached Supporting Statement.

PROPERTY OWNER CONSENT, CERTIFICATION & SIGNATURE
(Signatures of Petitioner(s) are required)

I am (we are) the owner(s) of the property subject to this variance petition and I (we) consent and certify as follows:

1. I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this petition;
2. I (we) certify that I (we) have read the Board's Rules and Procedures before submittal to ensure the completeness of my (our) petition;
3. I (we) certify that all the statements within this application and attachments are true and accurate to the best of my (our) knowledge and belief.

X  Oct. 30. 2019
(Petitioner Signature) (Date)

X  10.30.2019
(Petitioner Signature) (Date)

If Applicable:

Name of Attorney/Agent for Applicant: Laurance S.L. Lee
Rosenberg, Freedman & Lee LLP
Address of Attorney/Agent: 246 Walnut St., Suite 201, Newton, MA 02460
Phone Number of Attorney/Agent: 617-964-7000
Email Address of Attorney/Agent: LLEE@RFL-LAW.COM

SUPPORTING STATEMENT

Petition For Variance For 34 Morton Road, Newton, Massachusetts (“Property”)

1. Explain the special circumstances related to soil conditions, the shape or the topography of the land or structure that are unusual and that do not generally affect other properties in the zoning district:

One of the requirements of a variance under M.G.L. ch. 40A ss. 10, is where “*owing to the circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located*”.

A unique and special circumstance affecting only the subject Property and that do not affect generally the zoning district in which the subject Property is located is the Property’s existing reinforced concrete-block house (walls and floors), circ. 1915, which is on the National Register of Historic Places.

The house was inspected by a licensed engineer and architect, each of whom issued a letter of opinion regarding the challenges and risks in any attempt to renovate or to add on to the house (see letters submitted with this Petition).

According to McKay Architects, due to the house’s reinforced concrete-block construction interior renovations or modifications are extremely difficult as electrical and plumbing components are buried within the concrete. The current house is uninsulated and interior renovations would require adding layers of interior walls making the house’s already small rooms even smaller. Additional soffits would lower the headroom, which would not meet the Massachusetts State Building Code. The concrete walls and floors cannot be penetrated. Furthermore, the existing concrete structure is not compatible with a wood-framed addition as it will not meet the seismic / shear wall requirements of the Massachusetts State Building Code.

Spruhan Engineering cited problems with the unknown mixture of concrete used when the house was built and expressed concerns about structural integrity if the house is opened (through partial demolition). The engineer also noted that the mixture of concrete is unknown, and stated that “*[a] common property of concrete of this era is excessive hardness which makes it virtually impossible to cut without damaging as with hardness also comes brittleness.*”

Despite the house being listed on the National Register of Historic Places, the Newton Historical Commission unanimously recognized the uniqueness, challenges, and hardship presented by the existing house in their decision to approve the demolition and construction of a new house. Below is an excerpt from the minutes of Newton Historical Commission’s September 2018 Public Hearing:

“In June, Commission members and the owners discussed the challenge of modernizing a home built entirely of concrete....[the] Commission members believed the home was still a contributing element to the NR district, but acknowledged the previous hardship of the owners. The Commission voted again to preferably preserve the house, but then voted to set a minimum delay period of two months to acknowledge the hardship imposed by the construction techniques of the current home, and time already served on the previous 18-month delay under its current ownership when financial hardship prevented further action.

At this hearing, the owners presented a plan for which the Commission expressed support and approval. Dimond made a motion to waive the demo delay based on approved plans. Fulkerson seconded the motion.

At a scheduled meeting and public hearing on September 27, 2018, the Newton Historical Commission, by a vote of 6-0: RESOLVED to waive the demo delay on 34 Morton Road based on approved plans.”

Based upon the professional opinions of the architect and engineer, and as recognized by the Newton Historical Commission in its unanimous decision, the existing house cannot be renovated and/or partially demolished, and the only option is to fully demolish the existing house.

Unfortunately, compounding the problems with the unique reinforced-concrete construction of existing house is the zoning restriction placed upon the Property prohibiting its full demolition because: a) the recording of the 2003 subdivision plan when the prior owner (Robin Weiss) subdivided the land and ceded 1,522 SF of land from 34 Morton Road to 40 Morton Road shortly before the McSheffreys purchased 34 Morton Road; and b) City of Newton Zoning Ordinances Section 7.8.4.D.4. (Copies of pertinent deeds and the 2003 Subdivision Plan are enclosed as part of the petition).

Under Section 7.8.4.D.4. of the Newton Zoning Ordinances (“NZO”), in short, if the shape and size of a lot was changed by recording of a deed or plan with the Middlesex South Registry of Deeds after January 1, 1995, and if the house is then demolished by more than 50% the lot is required to meet post-December 7, 1953 (so-called “new” lot) dimensional requirements. The following is a table showing some of the current dimensional requirements for “old” and “new” lots in an SR2 zoning district under the NZO compared with the existing conditions of 34 Morton Road:

	Lots created <u>before</u> December 7, 1953	Lots created <u>on or after</u> December 7, 1953	Existing Conditions of 34 Morton Road
Minimum Required Lot Area	10,000 SF	15,000 SF	10,411 SF
Frontage	80 feet	100 feet	90.23 feet
Front Setback	25 feet	30 feet	22.7 feet
Side Setback	7.5 feet	15 feet	14.3 feet
Rear Setback	15 feet	15 feet	36.5 feet

The table clearly shows that 34 Morton Road does not have enough lot area and frontage to meet “new” lot requirements. In effect, the recording of the 2003 subdivision plan placed a zoning restriction over the Property which prohibits, in perpetuity, the house on 34 Morton Road from being fully demolished. The Property has been burdened, restricted, and devalued by this zoning restriction that was caused by the former owner, which the McSheffreys were unaware of until 2018.

The McSheffreys were unaware of the 2003 subdivision when they purchased the Property. At that time they were inexperienced home-purchasers. Unfortunately, their legal counsel who represented them at the time did not make them aware of the subdivision before the purchase closing consummated. It was not until 2018, when the McSheffreys fully engaged in their renovation plans that they discovered the zoning problem created by the 2003 subdivision.

Based on the foregoing, it is abundantly clear that the circumstances of the Property are related to the uniqueness of the existing house and the zoning restriction placed thereon by the 2003 Subdivision plan affect the subject Property, but do not affect generally the zoning district in which it is located.

2. Explain how the literal enforcement of the Newton Zoning Ordinance will result in a substantial hardship to the owner and that the proposed variance is the minimum change that is necessary to allow the reasonable use of the land or structure.

The second requirement of a variance under M.G.L. ch. 40A ss. 10, is where *“a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner...”*

The literal enforcement of the Newton Zoning Ordinances (“NZO”) will result in substantial hardship, financial or otherwise, to the McSheffreys because:

1. the McSheffreys are prevented from making proper, necessary, time-sensitive, and financially feasible improvements to their Property due to the acts of a prior owner by subdividing the property in 2003;
2. the existing concrete-block house poses a hardship (“financial or otherwise”) because:
 - a. it cannot be renovated or partially demolished;
 - b. it is currently uninsulated and not energy efficient resulting in higher energy costs and waste;
 - c. partial demolition may cause problems to the house’s structural integrity;
 - d. the concrete cannot be cut due to its hardness and brittleness;
 - e. it is not compatible with a wood-frame addition, and therefore, cannot meet the seismic / shear wall requirements of the Massachusetts State Building Code;
 - f. plumbing or electrical components are buried within the concrete;
 - g. new plumbing or electrical lines cannot be added through the concrete walls and floors;
 - h. new required soffits cannot be added because it would cause headroom to not meet Massachusetts State Building Code; and
 - i. the hardships are recognized by the Newton Historical Commission in its decision to permit its demolition and approval of the new house plans.
3. the 2003 subdivision plan placed a perpetual zoning restriction over the Property that prohibits the full demolition of the house; restricts the lawful use of the Property as an “old” lot; and the demolition of the house would result in the Property becoming non-compliant with zoning;
4. the McSheffreys did not cause the zoning problem;
5. but for the 2003 subdivision plan, the Property would remain an “old” lot even if the house was demolished;
6. but for the 2003 subdivision plan, the NHC approved demolition of the house and planned improvements may be done as-of-right without the need for a variance and/or a special permit;

Based upon the foregoing, the literal enforcement of the NZO will cause substantial hardship (financial or otherwise) to the McSheffreys because it will keep in place a perpetual zoning restriction over the Property that restricts its lawful use, impedes proper and necessary improvements, and lowers its value.

3. Explain why granting the proposed variance will be in harmony with the purpose and intent of the Newton Zoning Ordinance and will not be detrimental to the neighborhood or the public welfare.

The third requirement of a variance under M.G.L. ch. 40A ss. 10, is where the *“desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”*

The granting of the variance will not be a detriment to the public good or derogate from the intent and purpose of the ordinance for the following reasons:

1. The variance maintains and keeps the lot in its current zoning status as an “old” lot;
2. The variance does not permit the proposed house to be built any larger than currently allowed as-of-right without a special permit or variance. As stated above, but for the recording of the 2003 subdivision plan, the existing house may be demolished and a new house conforming to “old” lot dimensional requirements may be built without a variance and/or a special permit.
3. The proposed plans fully comply with “old” lot dimensional requirements. The McSheffreys are not seeking a variance to do anything more than they otherwise are permitted to do as-of-right.
4. The existing single-family use remains the same.
5. The variance allows the replacement of the existing house with a new house that will not be a detriment to the neighborhood or public good. Despite the house being listed on the National Registry of Historic Places, the Newton Historical Commission (“NHC”) recognized the hardship presented by the construction of the existing house that it permitted its demolition and replacement with a new house. In evaluating petitions, NHC reviews the proposed plans and how the proposed house fits in with the neighborhood. NHC unanimously voted to approve the proposed house.
6. The variance sought is specific only to this Property, relieving it of its unique circumstances and challenges of the existing house, and to lift the undue zoning restriction placed thereon by the 2003 Subdivision plan. The variance, therefore, will not nullify or derogate from the intent or purpose of the zoning ordinance.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: October 29, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Brendan and Betsy McSheffrey, Applicants
Laurance Lee, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request for a variance from section 7.8.4.D.4

Applicant: Brendan and Betsy McSheffrey	
Site: 34 Morton Road	SBL: 24043 0016
Zoning: SR2	Lot Area: 10,411 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 34 Morton Road consists of a 10,411 square foot lot improved with a single-family residence constructed in 1910. The petitioner seeks to raze the existing dwelling and construct a new single-family dwelling. Due to the property having been subdivided in 2003 by previous owners, the demolition of the dwelling triggers section 7.8.4.D.4 of the Ordinance, requiring the new construction to meet the dimensional standards for a "new lot."

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared Laurance Lee, attorney, dated 8/19/2019
- Recorded Plan, dated 5/7/1915
- Recorded Plan, dated 2/14/1923
- Subdivision Plan of Land, signed and stamped by Verne T. Porter Jr, surveyor, dated 3/31/2003
- Existing Conditions Plan, prepared by Peter Nolan, surveyor, dated 8/13/20178
- NHC decision, dated 7/13/2018

ADMINISTRATIVE DETERMINATIONS:

1. The property at 34 Morton Road is located in the SR2 zoning district and was originally created by two plans, the first in 1915 and the second in 1922. The property was then subdivided in 2003 by previous owners, deeding a 1,522 square foot parcel to the abutting property. Despite the 2013 subdivision, the lot still qualifies as an "old lot" and is required to meet the standards applied to lots created prior to December 7, 1953.

The petitioners' dwelling was constructed in 1910 and is on the National Register of Historic Places. The dwelling is constructed entirely of concrete and the NHC has determined that this construction makes updating utilities, insulation and additions unreasonably burdensome and waived the demolition delay to allow for the dwelling to be razed and new dwelling constructed. However, section 7.8.4.D.4 of the Newton Zoning Ordinance states that if more than 50 percent of a single- or two-family dwelling is demolished, and the size or shape of the lot was changed at any time after January 1, 1995, all of the dimensional requirements for a "new lot" (post December 7, 1953) apply to any subsequent construction, reconstruction, alteration or structural change.

As the dwelling currently exists, the lot and structure meet the dimensional requirements for an "old lot." Once the existing dwelling is demolished, and the "new lot" dimensional requirements apply, the lot will be dimensionally out of compliance. The petitioners seek a variance from section 7.8.4.D.4 to remain under the dimensional requirements for a pre-December 7, 1953 lot.

SR2 Zone	Required New Lot	Required Old Lot	Proposed
Lot Size	15,000 square feet	10,000 square feet	10,311 square feet
Frontage	100 feet	80 feet	90.23 feet
Setbacks			
• Front	30 feet	25 feet	25.1 feet
• Side	15 feet	7.5 feet	8 feet
• Rear	15 feet	15 feet	20.6 feet
Max Number of Stories	2.5	2.5	2.5
Building Height	36 feet	36 feet	31 feet
FAR	.38	.38	.37
Max Lot Coverage	20%	30%	29.5%
Min. Open Space	65%	50%	59.4%

See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§7.8.4.D.4	Request to waive the requirement to meet new (post-December 7, 1953) lot dimensional standards	S.P. per §7.3.3



Bk: 39865 Pg: 483

Recorded: 07/09/2003

Document: 00001595 Page: 1 of 1

QUITCLAIM DEED

I, ROBIN M. WEISS, of Newton, MA, for consideration paid of SEVEN HUNDRED THIRTY FIVE THOUSAND (\$735,000.00) DOLLARS, hereby grant to BRENDAN^T M^CSHEFFREY & BETSY^C M^CSHEFFREY, HUSBAND AND WIFE, TENANTS BY THE ENTIRETY of 34 Morton Road, Newton, MA with QUITCLAIM COVENANTS,

A certain parcel of land with buildings thereon situated in Newton and known as 34 Morton Road shown as Lot 12A on a plan entitled "Subdivision Plan of Land, 34 and 40 Morton Road, Newton, Massachusetts" drawn by Verne T. Porter, Jr., PLS, dated March 31, 2003 and recorded with the Middlesex South Registry of Deeds on April 23, 2003 as Plan No. 340, Instrument No. 1452.

211
MORTON RD,
NEWTON MA

For my title see deed dated 6/9/03 recorded with the Middlesex South District Registry of Deeds on 6/23/03, as Instrument No. 02.

WITNESS my hand and seal this 1ST day of JULY, 2003.

Robin Weiss
ROBIN M. WEISS

07/09/03 1:53PM
000090 #4315
FEE \$351.60
CANCELED
CAMBRIDGE
DEEDS REGIS
MIDDLESEX SOUTH

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

July 1, 2003

Then personally appeared the above-named ROBIN M. WEISS and acknowledged the foregoing instrument to be her free act and deed, before me.

Notary Public: Bruce J. Emory
My Commission Expires: May 17, 2007

(I:deeds\weiss-34 morton rd)

*** MASS. EXCISE TAX: 3351.60 ***
MSD 07/09/03 01:00:00 1595 125.00



QUITCLAIM DEED

Bk: 38901 Pg: 038

Recorded: 04/23/2003

Document: 00001453 Page: 1 of 1

We, Edward G. Weiss and Robin M. Weiss, of Newton, MA, for nominal consideration paid, hereby grant to Karen B. Agnew and John E. Huth, husband and wife as tenants by the entirety, of 40 Morton Road, Newton, MA 02159,

with QUITCLAIM COVENANTS, *SIB* *upart of*

Parcel 1, shown as Lot 13A on a "Subdivision Plan of Land, 34 and 40 Morton Road, Newton, Massachusetts"; drawn by Verne T. Porter, Jr., dated March 31, 2003, recorded with the Middlesex South District Registry of Deeds, Plan Book _____, Page _____

Being a portion of the premises conveyed to Grantors by deed dated June 24, 1993, recorded with the Middlesex South District Registry of Deeds, Book 23488, Page 38.

WITNESS our hands and seals this 17th day of April, 2003.

Edward G. Weiss
Edward G. Weiss

Robin M. Weiss
Robin M. Weiss

Plan No #340

SIB
27500/342

COMMONWEALTH OF MASSACHUSETTS

17 April, 2003

Then personally appeared the above-named Edward G. Weiss and Robin M. Weiss and acknowledged the foregoing instrument to be their free act and deed, before me.

Jane Moran White
Notary Public: *Middlesex County*
My Commission Expires: *9/25/2003*

original deed into Agnew/Huth
23488/38
From Farmer
weiss

1450 125.00

34



Setti D. Warren
Mayor

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

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

Barney S. Heath
Director

Newton Historical Commission Demolition Review Decision

Date: 7/13/18

Zoning & Dev. Review Project# 18050068

Address of structure: 34 Morton Road

Type of building: House

If partial demolition, feature to be demolished is _____

SCANNED

The building or structure:

is _____ is not x in a National Register or local historic district not visible from a public way.

is X is not _____ on the National Register or eligible for listing.

is X is not _____ importantly associated with historic person(s), events, or architectural or social history

is X is not _____ historically or architecturally important for period, style, architect, builder, or context.

is _____ is not x located within 150 feet of a historic district and contextually similar.

is _____ NOT HISTORICALLY SIGNIFICANT as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is X HISTORICALLY SIGNIFICANT as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

_____ APPROVES the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

X DOES NOT APPROVE and the project requires
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is _____ NOT PREFERABLY PRESERVED

Demolition is not delayed and no further review is required.

is X PREFERABLY PRESERVED - (SEE BELOW).

Delay of Demolition:

X is in effect until 12/28/2019

_____ has been waived - see attached for conditions **

Determination made by:

Preserving the Past Planning for the Future

Final review of plans
required

Owner of Record:

Please Note: If demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.



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

Ruthanne Fuller
 Mayor

Barney S. Heath
 Director

RECORD OF ACTION:

DATE: July 13, 2018

SUBJECT: 34 Morton Road, NR

At a scheduled meeting and public hearing on June 28, 2018, the Newton Historical Commission, by a vote of 6-0:

RESOLVED to find the house at 34 Morton Road preferably preserved for historic context, with an 18-month delay imposed.

<u>Voting in the Affirmative:</u>	<u>Voting in the Negative:</u>	<u>Abstained:</u>
Nancy Grissom, Chairman		
Mark Armstrong, Member		
Peter Dimond, Member		
Doug Cornelius, Member		
Laura Fitzmaurice, Member		
Ellen Klapper, Alternate		

At a scheduled meeting and public hearing on June 28, 2018, the Newton Historical Commission, by a vote of 5-1:

RESOLVED to set a minimum delay period of two months to acknowledge the hardship imposed by the construction techniques of the current home, and time already served on the previous 18-month delay under its current ownership when financial hardship prevented further action.

<u>Voting in the Affirmative:</u>	<u>Voting in the Negative:</u>	<u>Abstained:</u>
Nancy Grissom, Chairman		
Mark Armstrong, Member		
Peter Dimond, Member		
	Doug Cornelius, Member	
Laura Fitzmaurice, Member		
Ellen Klapper, Alternate		

Title Reference:

Owner of Property:

Deed recorded at:

Book 39865, Page 483

Date 7/9/2003

Brendaa T. & Betsy C. McSheffrey
 Middlesex (South) Registry of Deeds

 Katy Hax Holmes, Staff



Setti D. Warren
Mayor

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

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Barney S. Heath
Director

Newton Historical Commission Demolition Review Decision

Date: 10/3/18 Zoning & Dev. Review Project# 18050068

Address of structure: 34 Morton Road (NR)

Type of building : House

If partial demolition, feature to be demolished is _____

The building or structure:

- is _____ is not x in a National Register or local historic district not visible from a public way.
- is x is not _____ on the National Register or eligible for listing.
- is x is not _____ importantly associated with historic person(s), events, or architectural or social history
- is x is not _____ historically or architecturally important for period, style, architect, builder, or context.
- is _____ is not x located within 150 feet of a historic district and contextually similar.

is _____ **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.
Demolition is not delayed and no further review is required.

is x **HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

_____ **APPROVES** the proposed project based upon materials submitted see below for conditions (if any).
Demolition is not delayed, further staff review may be required.

x **DOES NOT APPROVE** and the project requires
Newton Historical Commission review (See below).

Final review of construction plans
required

The Newton Historical Commission finds the building or structure:

is _____ **NOT PREFERABLY PRESERVED**
Demolition is not delayed and no further review is required.

Owner of Record:

is x **PREFERABLY PRESERVED - (SEE BELOW).**

Delay of Demolition:

_____ is in effect until _____

x has been waived - see attached for conditions **

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.

Determination made by:

Cathy Jacob Jones



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

RECORD OF ACTION:

DATE: October 3, 2018

18050068

SUBJECT: 34 Morton Road

At a scheduled meeting and public hearing on September 27, 2018, the Newton Historical Commission, by a vote of 6-0:

RESOLVED to waive the demo delay on 34 Morton Road based on approved plans.

<u>Voting in the Affirmative:</u>	<u>Voting in the Negative:</u>	<u>Recused:</u>
Nancy Grissom, Chairman		
Peter Dimond, Member		
Doug Cornelius, Member		
Jean Fulkerson, Member		
Debi Budd, Alternate		
Jennifer Bentley-Houston, Alternate		

Title Reference:

Owner of Property:

Brendan T. & Betsy C. McSheffrey

Deed recorded at:

Middlesex (South) Registry of Deeds

Book 39865, Page 483

Date 7/9/2003

Katy Hax Holmes, Staff



November 5, 2019

**CITY OF NEWTON
ZONING BOARD OF APPEALS
NEWTON CITY HALL**

**REFERENCE: 34 Morton Road
Newton, MA**

To Whom It May Concern

As Project Architect for the above referenced property, I was asked to review the existing house for potential renovations and possible addition (s). The existing house is a 2 story cast in place reinforced concrete structure. The floors and ceilings are also reinforced concrete. Based on this structural system it is extremely difficult to do any interior renovations as the concrete will not be compatible with the wood framing and the house will not meet the seismic / shear wall requirements of the Massachusetts State Building Code.

I met with the City of Newton Historic Commission at a hearing last year. At that time the NHC allowed a two month demolition delay which in my experience is unprecedented as the standard delay is 4 months. The Commission acknowledged the hardship in reworking with this type of house. At the hearing they unanimously approved the design of the new house stating that it blended in with the existing neighborhood.

Other concerns with renovating a concrete frame house is the difficulty in having the plumber run new waste and water lines. The flooring system is completely filled with steel reinforcing. The electrician also cannot run outlets thru the concrete walls. The HVAC contractor will not be able to make penetrations in the floor systems for new ductwork so dropped soffits will be required and the headroom will not meet the Building Code.

The existing house will also be very difficult to make energy efficient. The current house is uninsulated and adding walls inside will make extremely small rooms even smaller.

If you have any questions please do not hesitate to call.

Very truly yours,

Michael McKay

35 Bryant Street
Dedham, MA 02026
617-966-6850
www.mckayarchitects.net
mike@mckayarchitects.net



SPRUHAN ENGINEERING

80 Jewett St Unit One Newton, MA 02458
phone: 617-816-0722 email: edmond@spruhaneng.com

September 10th, 2019
34 Morton Rd,
Newton, MA 02459
Attn: Brendan & Betsy McSheffrey

RE: 34 Morton Road.
Newton,
Massachusetts

Dear Mr & Mrs. McSheffrey:

Please be advised that I, Edmond Spruhan, a Commonwealth of Massachusetts Registered Professional Engineer, Number 53316, inspected your dwelling house located at 34 Morton Road, Newton, MA with the intention of giving feed back regarding the practicality and possibility of constructing an addition to your home as the demands of your family increase.

I was very surprised when I started the inspection to find out that the house was not of typical construction methods and that all the walls and floors were constructed from an old reinforced concrete that was most certainly mixed on site when we consider the era of the home. This mixing of the concrete on site during that era would cause great difficulty in trying to modify any of it today. This is due to the lack of homogeneity of aggregates and cement in the mix. A common property of concrete of this era is excessive hardness which makes it virtually impossible to cut without damaging as with hardness also comes brittleness.

During my inspection I noticed that the electrical, plumbing and HVAC systems are outdated and would certainly need to be updated for any addition. The main problem here is I cannot see how this updating can be done due to the difficulty of penetration of the existing concrete for piping, wiring and HVAC ducting.

I've also spoken to your Architect Mr. Mike McKay of McKay Architects, regarding the problems that you would face trying to remove portions of the existing concrete structure in an effort to open up the existing house and tie it into the new addition. Both Mr. McKay & myself had concerns regarding the structural integrity of the remaining concrete after the pounding which would be required to open it up.

It is my professional opinion based on inspection of your dwelling house located at 34 Morton Road, Newton, MA, that the concrete structure of the existing house causes a major hardship for anyone trying to construct an addition to it and I as a professional engineer would not be comfortable with opening up concrete walls with excessive force with the properties of the existing structure are unknown.

Please feel free to reach out with any questions.

Respectfully submitted,

Edmond Spruhan.

Edmond Spruhan, P.E.
(President)

7.8.3. Substandard Commercial Lots

- A. **Defined.** Lots which on August 3, 1987 were undeveloped and which prior to that date were in single and separate ownership and were not available for use in common or in connection with a contiguous or adjacent lot and which have a lot area less than 10,000 square feet. For the purpose of this provision, lots must have been shown as separate parcels on plans filed in the Assessor's Office and assessed as such prior to August 3, 1987 or they must have been shown or described in the most recent plans or deeds duly recorded with the Registry of Deeds for the Southern District of Middlesex County prior to August 3, 1987.
- B. **Height.** The as-of-right building height shall be 1 story or 12 feet. By special permit, the building height may be 2 stories or 24 feet.
- C. **Floor Area Ratio.** As of right FAR shall be 0.50 and by special permit the maximum FAR may be 0.75.
- D. **Uses in Business 1, 2, 3 and 4 Districts.** For substandard commercial lots, the only uses permitted are:
 - 1. Office;
 - 2. Bank, excluding drive-in facilities;
 - 3. Barbershop, beauty parlor, tailor, shoe repair shop or similar service establishment;
 - 4. Dwelling units above the first floor;
 - 5. Accessory parking facilities; and
 - 6. Other uses similar or accessory to those authorized by paragraph D. above.
- E. **Uses in Business 2 District.** For substandard commercial lots, the following uses are permitted in addition to those in paragraph A, above:
 - 1. Wholesale business or storage warehouse, provided that no outside storage is permitted; and
 - 2. Other uses similar or accessory to those authorized in paragraph D. above.
- F. **Uses in Manufacturing Districts.** For substandard commercial lots, the only uses which are permitted are:
 - 1. Research and development facility, laboratory or research facility;

- 2. Office;
 - 3. Storage warehouse;
 - 4. Wholesale business, excluding the on-site collection or storage for wholesale sale of trash or yard waste of any sort, including but not limited to recyclable materials, brush, leaves, grass clippings and any other similar materials;
 - 5. Accessory parking facilities; provided that they are limited to a single level; and
 - 6. Other uses similar or accessory to those authorized by paragraph F. above, provided that the following or similar uses shall not be permitted in connection with nor shall they be considered valid accessory uses to the uses authorized by paragraph F. above: collection, storage, transfer-haul or composting of trash or yard waste of any sort, including, but not limited to recyclable materials, brush, leaves, grass clippings and any other similar materials.
- G. **Uses in Mixed Use Districts.** For substandard commercial lots, the only uses which are permitted are:
 - 1. Office;
 - 2. Research and development facility;
 - 3. Bank, excluding drive-in facilities;
 - 4. Barbershop, beauty parlor, tailor, shoe repair shop, or similar service establishment;
 - 5. Dwelling units above the first floor;
 - 6. Accessory parking facilities; and
 - 7. Uses similar or accessory to those authorized by this section.

(Ord. No. T-75, 03/05/90; Ord. No. W-33, 03/05/01)

7.8.4. Alteration, etc., of Structure When Shape or Size of Lot is Changed

- A. **In General.** Except to the extent that this Sec. 7.8.4. Provides otherwise, whenever a lot upon which stands a building or structure erected after the passage of this Chapter, or of any corresponding provision of any prior ordinance, is changed in size or shape so that the lot, building or structure no longer complies with the provisions of this Chapter, such building or structure shall not be used until it is

altered, reconstructed or relocated so as to comply with the provisions of the underlying zoning district.

- B. **Defined.** For purposes of this Sec. 7.8.4, the size or shape of a lot shall be deemed to have been changed only if the lot was combined, merged, subdivided, or resubdivided by recording a deed, plan, or certificate of title in the Registry of Deeds for the Southern District of Middlesex County or the Land Court Registry of Deeds for the Southern District of Middlesex County. The date of such change shall be the date of recording.
- C. **Exempt Lots.** For purposes of implementing this Sec. 7.8.4, no lot, building or structure shall be deemed in noncompliance with the provisions of this Chapter if the lot was changed in size or shape:
1. Solely as a result of a taking of a portion of the lot for a public purpose; or
 2. As a result of a conveyance of a portion of the lot by the owner thereof to the City of Newton, any other body politic, or any agency or department thereof, in lieu of such a taking; or
 3. In compliance with the requirements of the remainder of this Sec. 7.8.4.
- D. The provisions of this Sec. 7.8.4 shall not apply to a lot in any residential district, or a building or a structure located on the lot, if the lot changed in size or shape at any time on or after October 11, 1940, if the change was in accordance with all of the following requirements:
1. At the time such lot changed in size or shape:
 - a. Either:
 - i. If the lots were changed before December 7, 1953, all of the lots met the requirements of Section 7.8.4.D.3.; or
 - ii. If the lots were changed on or after December 7, 1953, either:
 - a. The number of resulting lots did not exceed the number of lots that had existed immediately prior to the change, and all of the resulting lots met the requirements of Sec. 7.8.4.D.3.; or
 - b. The number of resulting lots exceeded the number of lots that had existed immediately prior to the change, and

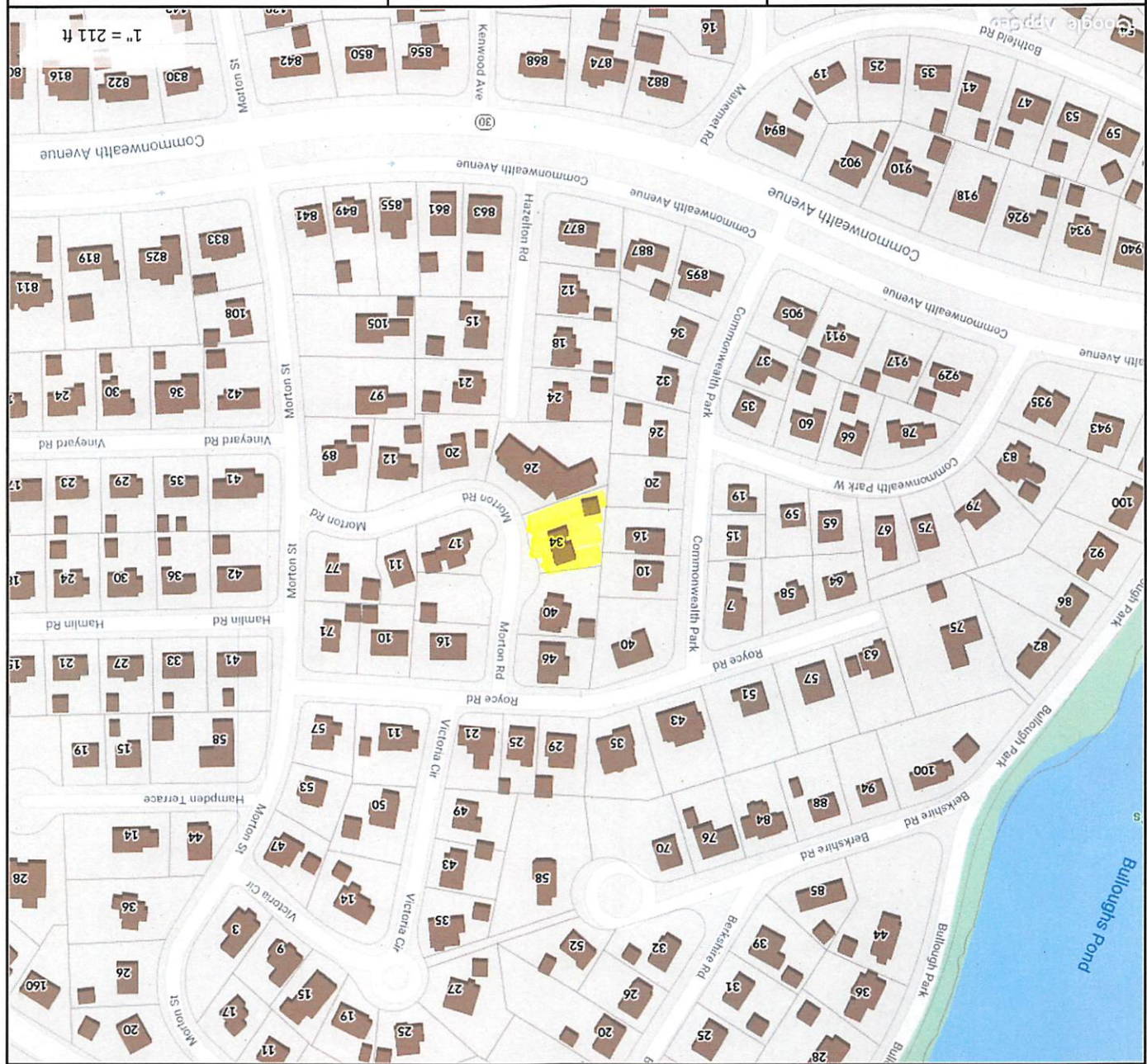
all the lots, and all of the buildings and structures on the lots, conformed to the requirements in Sec. 3.1 or Sec. 3.2 for lots created after December 7, 1953, in the zoning district in question;

- b. And no other lot, and no building or structure on any lot, was rendered nonconforming, or more nonconforming, by reason of the change in size or shape of such lot.
2. For purposes of implementing this Sec. 7.8.4, a lot, or a building or structure on a lot, shall be deemed "rendered nonconforming, or more nonconforming" if the lot was changed in size or shape in a manner not in conformity with the provisions of this Sec. 7.8.4.
 3. Except as provided in the paragraphs below, following the change in lot size or shape or both, the resulting lot area, lot frontage, lot area per unit, lot coverage, and usable open space of the lot, and the resulting height, number of stories, and front, side, and rear setbacks, of the buildings and structures on the lot, met any of the following requirements:
 - a. The lot area, lot frontage, lot area per unit, and usable open space, and the front, side, and rear setbacks all were either unchanged or increased, and the lot coverage, height, and number of stories were either unchanged or decreased; or
 - b. If there was a decrease of lot area, lot frontage, lot area per unit, or usable open space, or front, side, or rear setback, or if there was an increase of lot coverage, height, or number of stories, the change resulted in conformity with the following requirements:
 - i. If the lot in question was created before December 7, 1953, the requirements shall be those prescribed in Sec. 3.1 or Sec. 3.2 for lots created before December 7, 1953, in the zoning district in which the lot was located at the time the change in lot size or shape or both occurred; or
 - ii. If the lot in question was created after December 7, 1953, the requirements shall be those prescribed in Sec. 3.1 or Sec. 3.2 for lots created after December

7, 1953, in the zoning district in which the lot was located at the time the change in lot size or shape or both occurred.

4. If more than 50 percent of a single- or two-family dwelling is demolished, and if the size or shape of the lot was changed at any time after January 1, 1995, the requirements for lot area, lot frontage, lot area per unit, usable open space, lot coverage, floor area ratio, height, number of stories and front, side, and rear setback distances that shall apply to any subsequent addition, construction, reconstruction, alteration, or structural change shall be the requirements prescribed in Sec. 3.1 or Sec. 3.2 for lots created after December 7, 1953, in the zoning district in which the lot was located at the time when the lot was changed.
 5. In any multi-residence district, if a single-family dwelling is converted to a two-family dwelling, and if the size or shape of the lot was changed at any time after January 1, 1995, the two-family dwelling shall always be subject to the requirements for lot area, lot frontage, lot area per unit, usable open space, lot coverage, floor area ratio, height, number of stories and front, side, and rear setback distances prescribed in Sec. 3.1 or Sec. 3.2 for lots created after December 7, 1953, in the zoning district in which the lot was located at the time when the lot was changed.
 6. If, before a change in size or shape of 2 or more lots, a lot, regardless of when the lot was created, had lot area and lot frontage that was equal to or greater than the minimum required for a lot created after December 7, 1953, in the zoning district in which the lot was located, the requirements for lot area and lot frontage that shall apply to any subsequent change in the size or shape of the lot shall be the requirements prescribed in Sec. 3.1 or Sec. 3.2 for lots created after December 7, 1953, in the zoning district in which the lot was located at the time when the lot was changed.
 7. If, following the change in size or shape of 2 or more lots, any 1 or more of the resulting lots has lot area or lot frontage or both that is equal to or greater than twice the minimum required for a lot created after December 7, 1953, in the zoning district in which such lot was located at the time when the lot was changed, the requirements for lot area, lot frontage, lot area per unit, usable open space, lot coverage, floor area ratio, height, number of stories and front, side, and rear setback distances that shall apply to every lot whose size or shape was changed shall be the requirements prescribed in Sec. 3.1 or Sec. 3.2 for lots created after December 7, 1953, in the zoning district in which the lot was located at the time when the lot was changed.
- E. The City Council may grant a special permit to allow the area of a lot in a residential district to be reduced by up to 5 percent of the applicable lot area required in Sec. 3.1 or Sec. 3.2, but only if the grant of such a special permit:
 1. Does not result in the creation of any 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; and
 2. Is consistent with and not in derogation of the size, scale, and design of other lots, buildings and structures in the neighborhood.
 - F. The City Council may grant a special permit to allow the frontage of a lot in a residential zoning district to be reduced by up to 5 percent of the applicable lot area required in Sec. 3.1 or Sec. 3.2, but only if the grant of such a special permit:
 1. Does not result in the creation of any nonconformity that did not previously exist with respect to lot area, lot area per unit, front setback, side setback, rear setback, height, number of stories, lot coverage percentage, or usable open space percentage; and
 2. Is consistent with and not in derogation of the size, scale, and design of other lots, buildings and structures in the neighborhood.

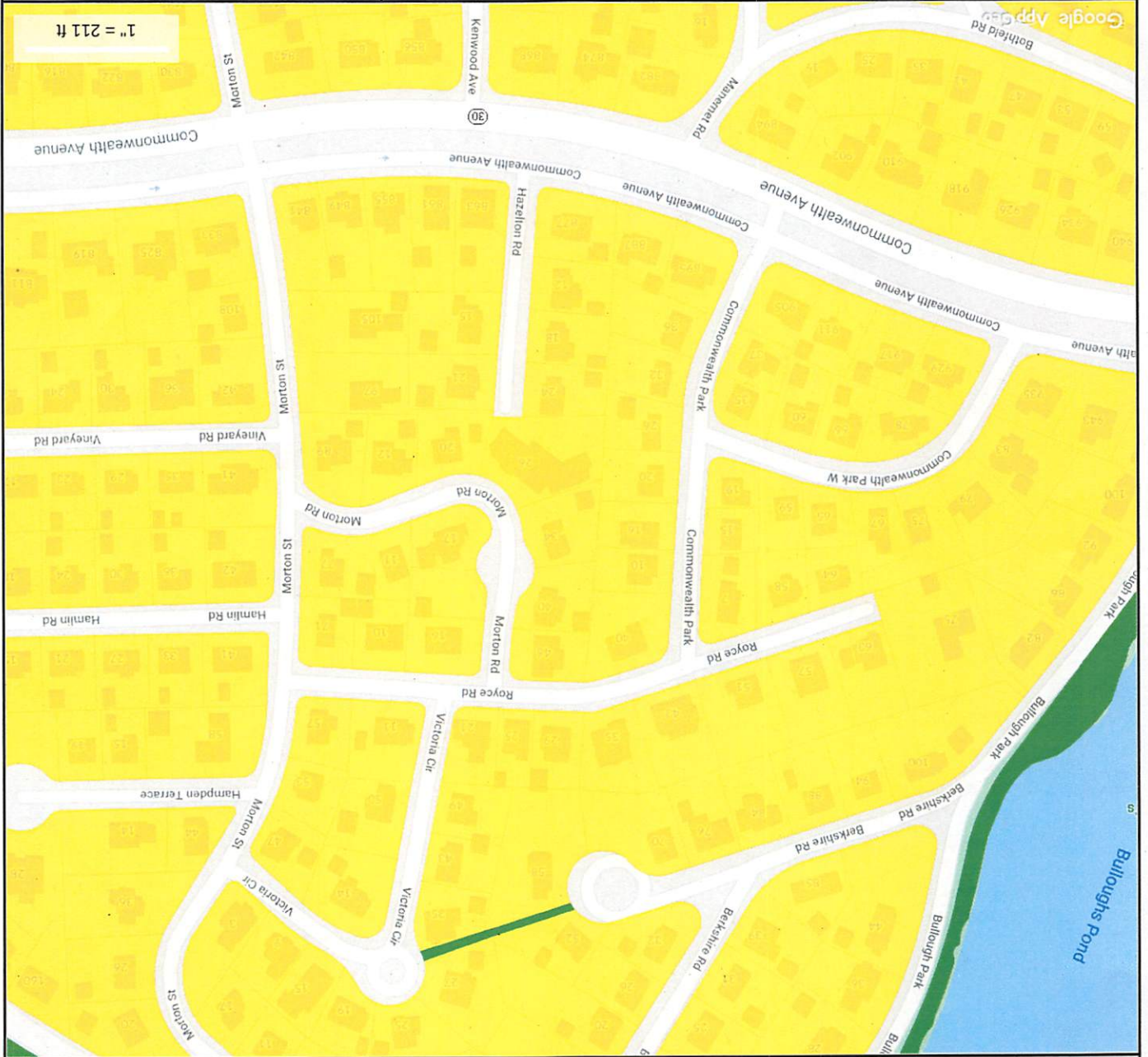
(Rev. Ords. 1973 §24-28; Ord. No. W-50, 07/09/01)



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Newton, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/09/2018
Data updated 11/14/2018



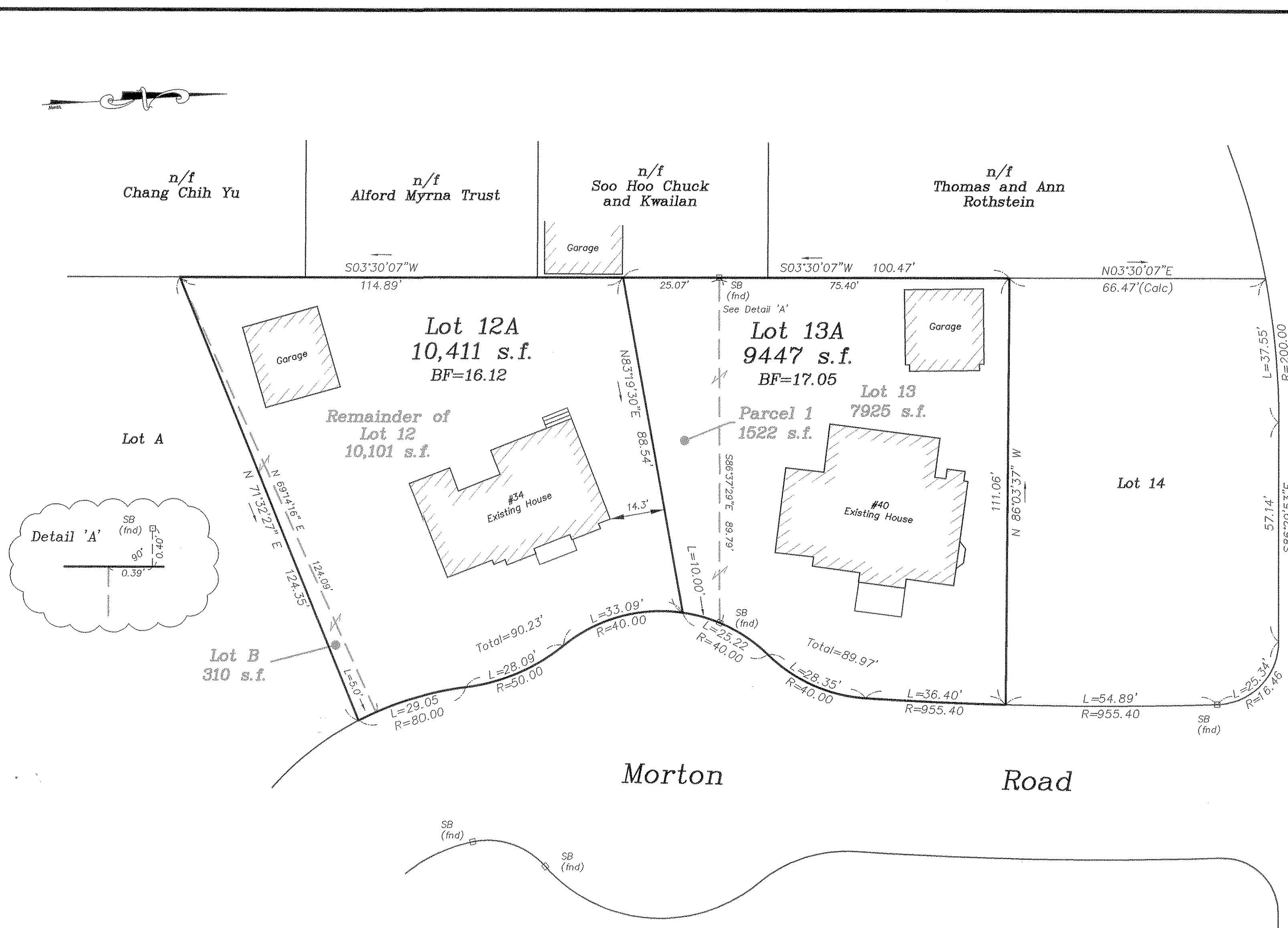
**MAP FOR REFERENCE ONLY
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City of Newton, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/09/2018
Data updated 11/14/2018

Middlesex Registry of Deeds,
Southern District
Cambridge, Massachusetts
Plan No. 340 of 20 03
Rec'd 4-23 20 03
at 1:39pm Doc No. 1452
Rec'd, Bk 38901 Page 37

Attest
[Signature]
Registrar



Owners:
Lot 12 and Lot B
Edward G. and Robin M. Weiss
34 Morton Rd. Newton, MA.
Deed Bk: 27506 Pg. 342

Lot 13
Karen B. Agnew
40 Morton Rd. Newton, MA
Deed Bk: 23486 Pg. 38

Approval of this Plan under the Subdivision Control Law is Not Required

Date: 4-4-03
[Signature]

Clerk - Newton Planning Board
Acting as a Board of Survey

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

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.

[Signature] 3-31-03

Notes

Parcel 1 and Existing Lot 13 are to be combined to create new Lot 13A,

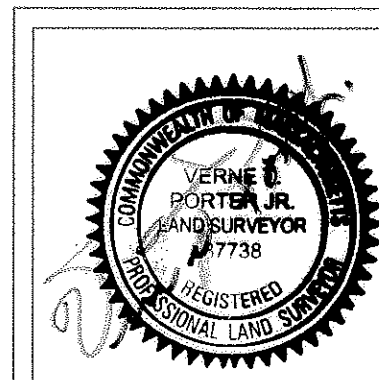
The Remainder of Lot 12 and Lot B are to become new Lot 12A,

Zoning District
Single Residence 2

Plan References

Lots 12 and 13 are shown on Plan of Land in Newton Centre dated May 3, 1915, drawn by Sanitary Engineering and recorded in Middlesex South Registry of Deeds in Plan Book 232 Plan No. 45

Lot B is shown on Plan of Land dated August 4, 1922 by Sanitary Engineering Co. and recorded in Middlesex South registry of Deeds in Plan Book 316 Plan No. 29



Subdivision Plan of Land	
34 and 40 Morton Road Newton, Massachusetts	
Scale: 1"=20'	March 31, 2003
VERNE T. PORTER Jr., PLS Land Surveyors - Civil Engineers 354 Elliot Street Newton, Massachusetts 02464	
 0 20 40 60 80	Design By: Checked By: V. Porter Jr. Drawn By: R. Jardine Jr.
Sheet <u>1</u> of <u>1</u>	

340

340



34 Morton Road - Newton, Mass.

architects
mckay
35 Bryant Street
Dedham, MA 02026
ph: 781-326-5400
www.mckayarchitects.net



MORTON STREET

1 Site Plan
L-1.1 1/8" = 1'-0"

**The
McSheffrey
Residence
34
Morton Road
Newton, MA**

OWNER

architects
mckay
35 Bryant Street
Dedham
Ma. 02026
ph. 781.326.5400
www.mckayarchitects.net



REV #	DATE	ISSUANCE

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Contractor to verify all information and dimensions in the field prior to start of construction and is to notify McKay Architects of any discrepancies

Site Plan

JOB NO	0086
DATE	9.7.18
DWG BY	SH
CKD BY	MLM
SCALE	

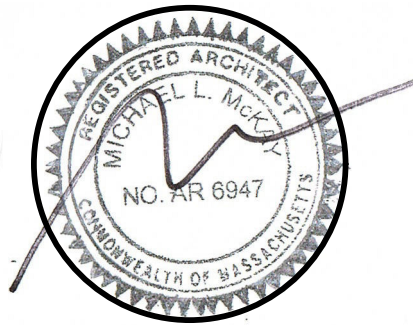
L-1.1

The McSheffrey Residence
34 Morton Road
Newton, MA

OWNER

architects
mckay

35 Bryant Street
Dedham
Ma. 02026
ph. 781.326.5400
www.mckayarchitects.net



REV # | DATE | ISSUANCE

REV #	DATE	ISSUANCE

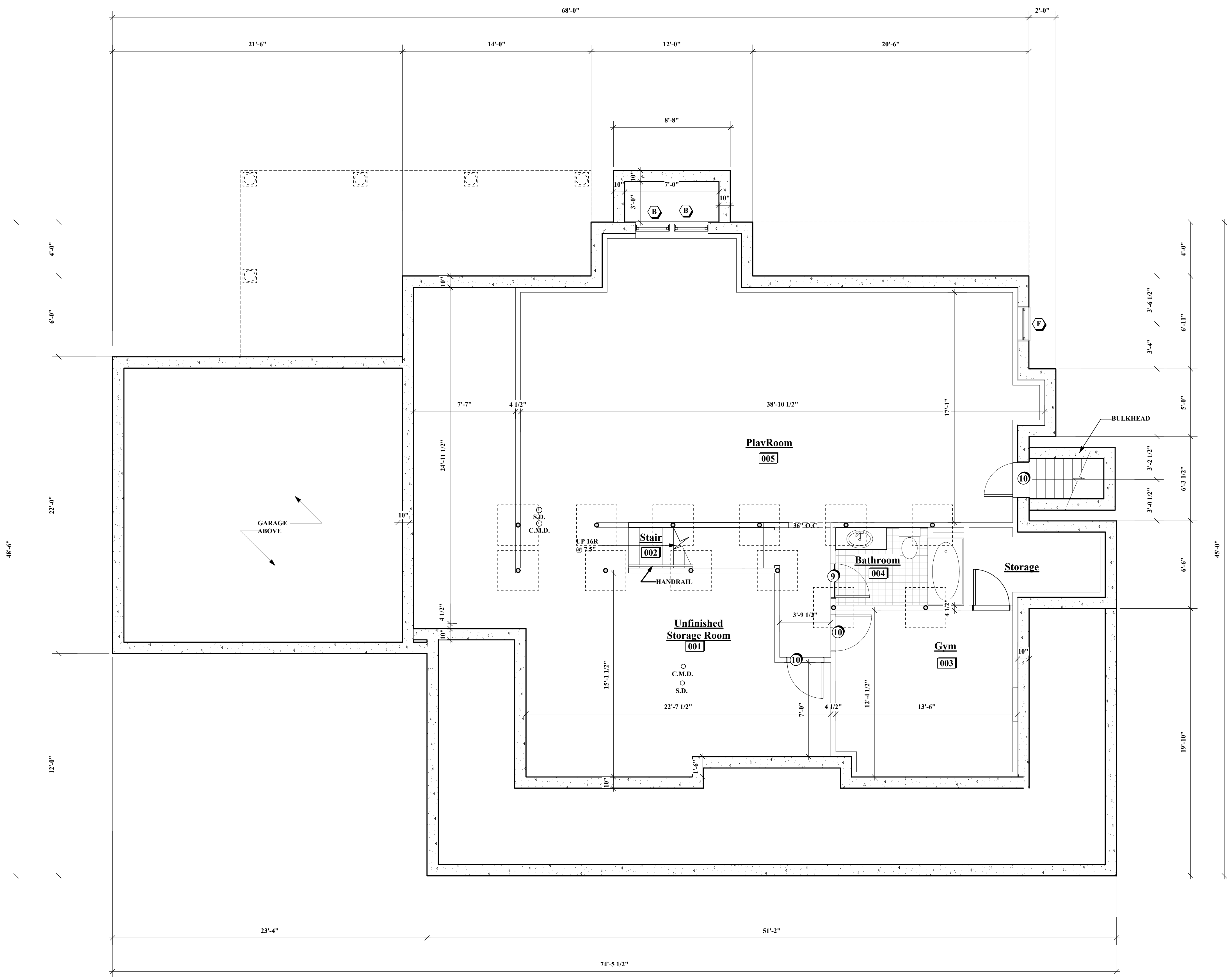
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Contractor to verify all information and dimensions in the field prior to start of construction and is to notify McKay Architects of any discrepancies

Basement Plan

JOB NO	0086
DATE	9.7.18
DWG BY	SH
CKD BY	MLM
SCALE	

A-1.1



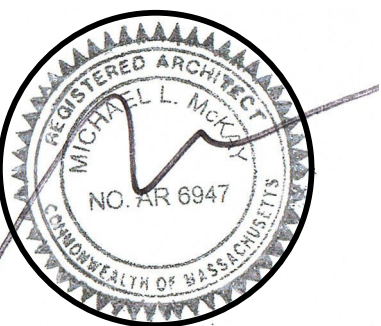
1 Basement Plan
A-1.1 1/4" = 1'-0"
1,096 SF Finished

The
**McSheffrey
 Residence**
 34
 Morton Road
 Newton, MA

OWNER

mckay
 architects

35 Bryant Street
 Dedham
 Ma. 02026
 ph. 781.326.5400
 www.mckayarchitects.net



REV # DATE ISSUANCE

REV #	DATE	ISSUANCE

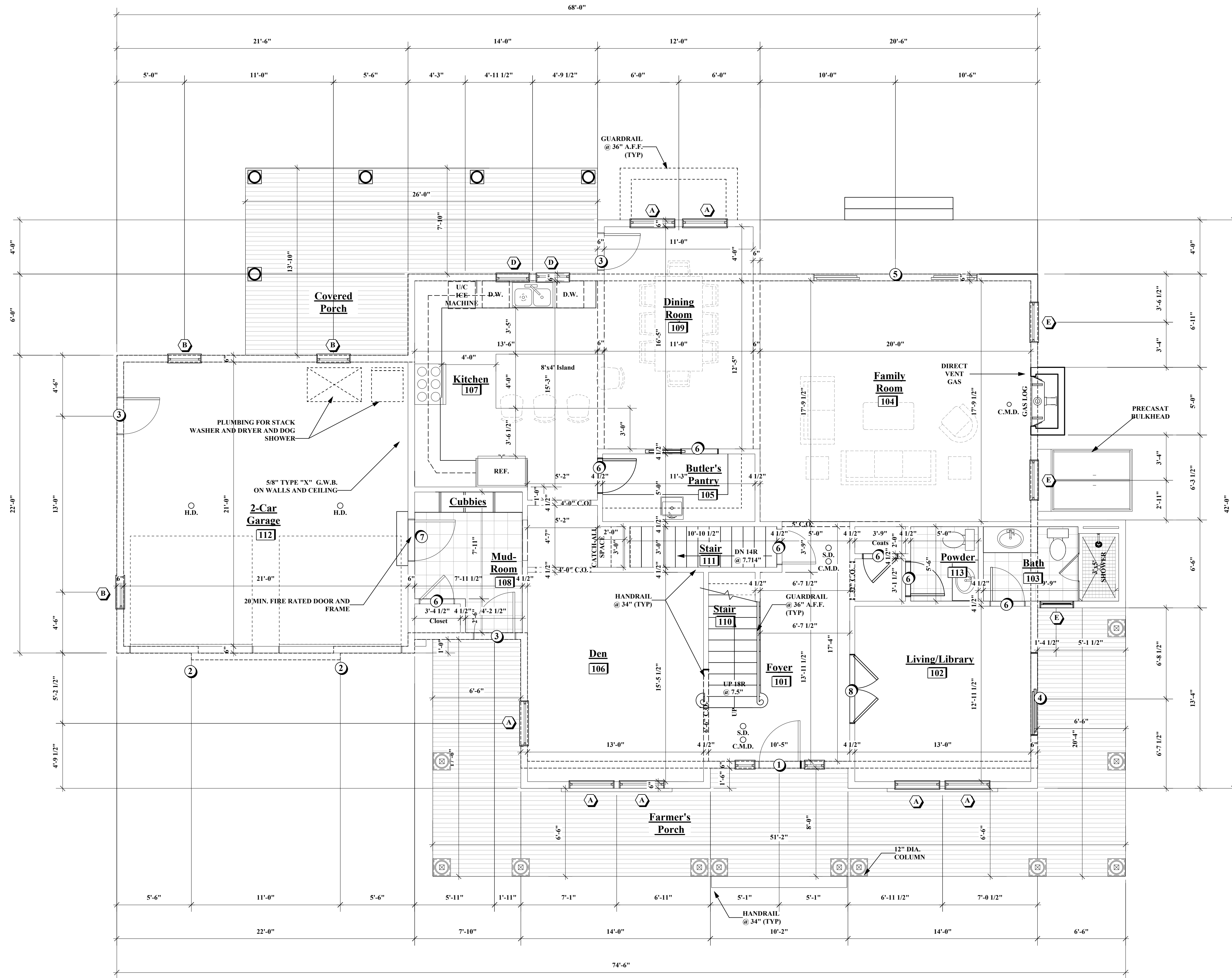
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 Contractor to verify all information and dimensions in the field prior to start of construction and is to notify McKay Architects of any discrepancies.

First Floor Plan

JOB NO	0086
DATE	9.7.18
DWG BY	SH
CKD BY	MLM
SCALE	

A-1.2



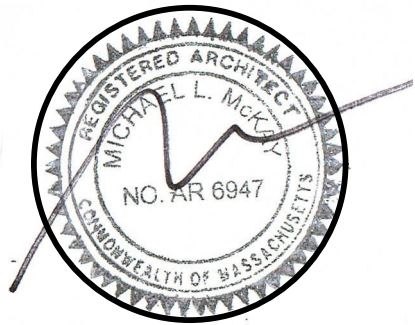
1 First Floor Plan
 A-1.2 1/4" = 1'-0"
 1,756 SF Finished

**The
McSheffrey
Residence**
**34
Morton Road
Newton, MA**

OWNER

mckay architects

35 Bryant Street
Dedham
Ma, 02026
ph. 781.326.5400
www.mckayarchitects.net



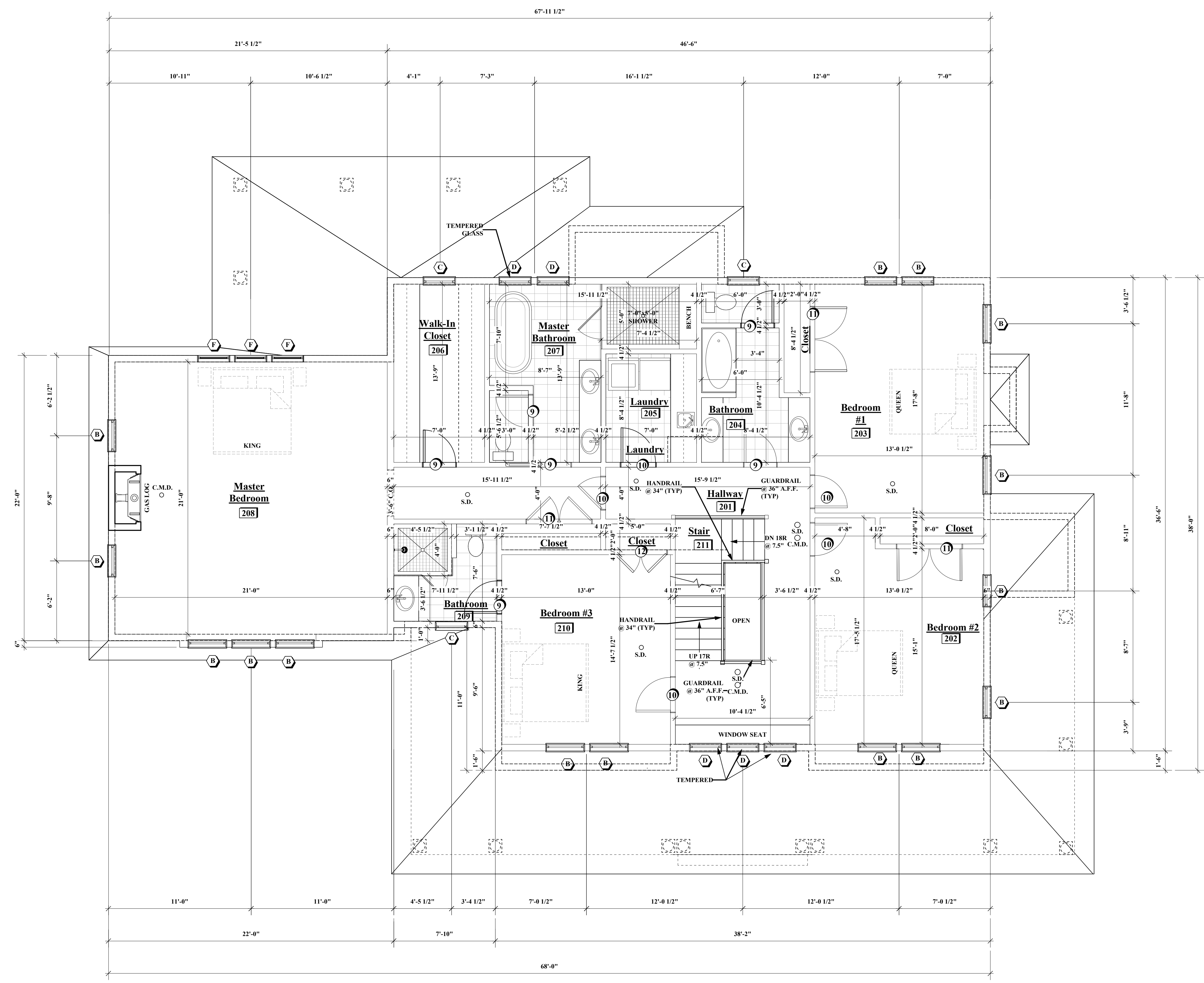
REV #	DATE	ISSUANCE

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Contractor to verify all information and dimensions in the field prior to start of construction and is to notify McKay Architects of any discrepancies

Second Floor Plan

JOB NO	0086
DATE	9.7.18
DWG BY	SH
CKD BY	MLM
SCALE	

A-1.3



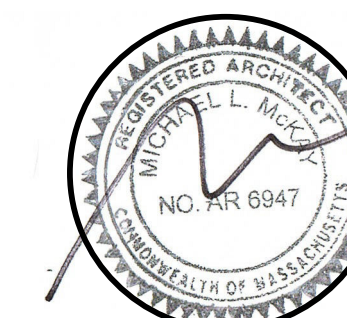
1 Second Floor Plan
A-1.3 1/4" = 1'-0"
2 097 SF Finished

The
McSheffrey
Residence
34
Morton Road
Newton, MA

OWNER

architects
mckay

35 Bryant Street
Dedham
Ma, 02026
ph. 781.326.5400
www.mckayarchitects.net



REV # DATE ISSUANCE

REV #	DATE	ISSUANCE

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Contractor to verify all information and dimensions in the field prior to start of construction and is to notify McKay Architects of any discrepancies

Attic Floor Plan

JOB NO

0086

DATE

9.7.18

DWG BY

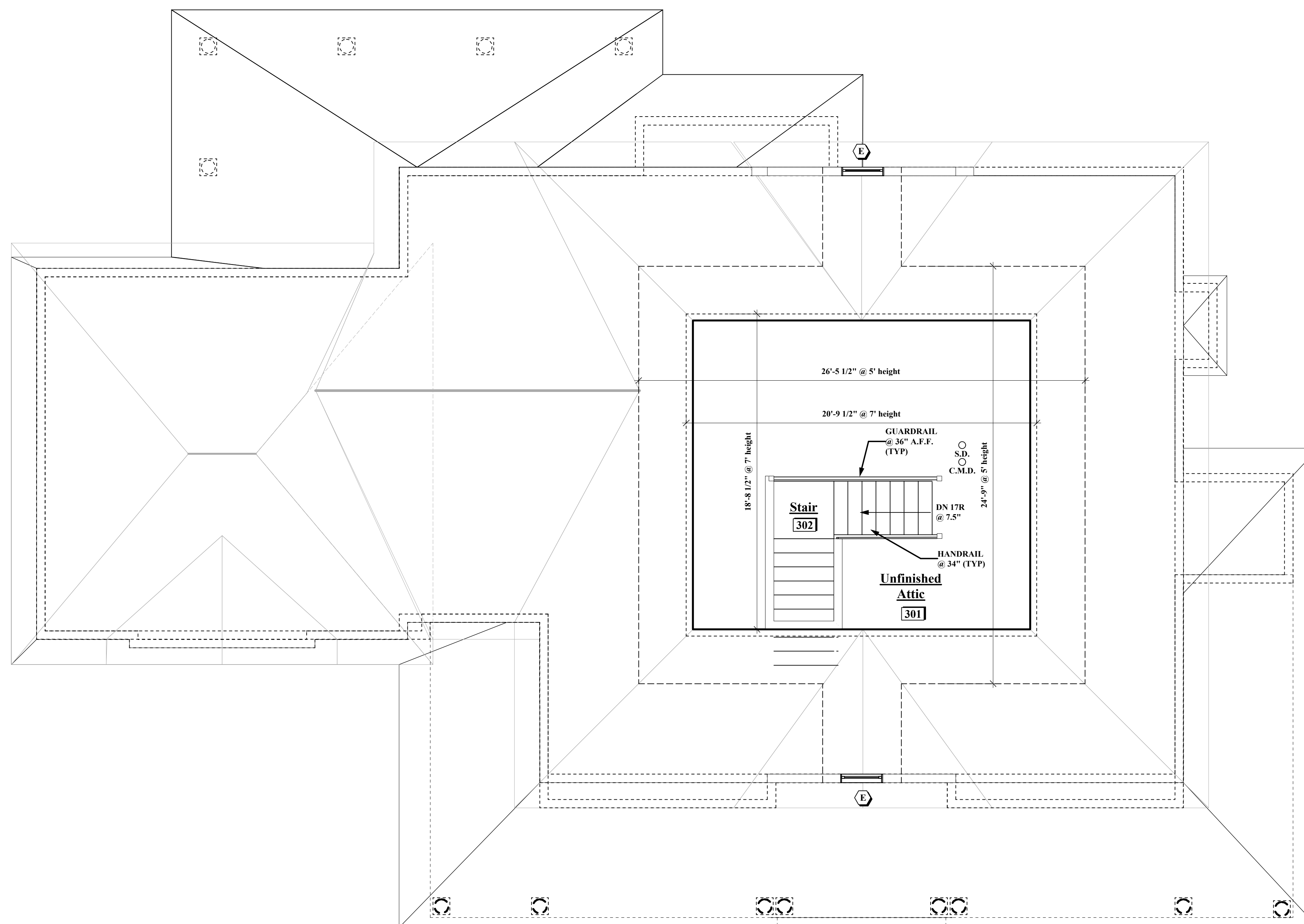
SH

CKD BY

MLM

SCALE

A-1.4



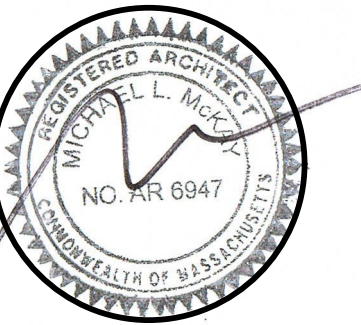
1 Attic Floor Plan
A-1.4 1/4" = 1'-0"

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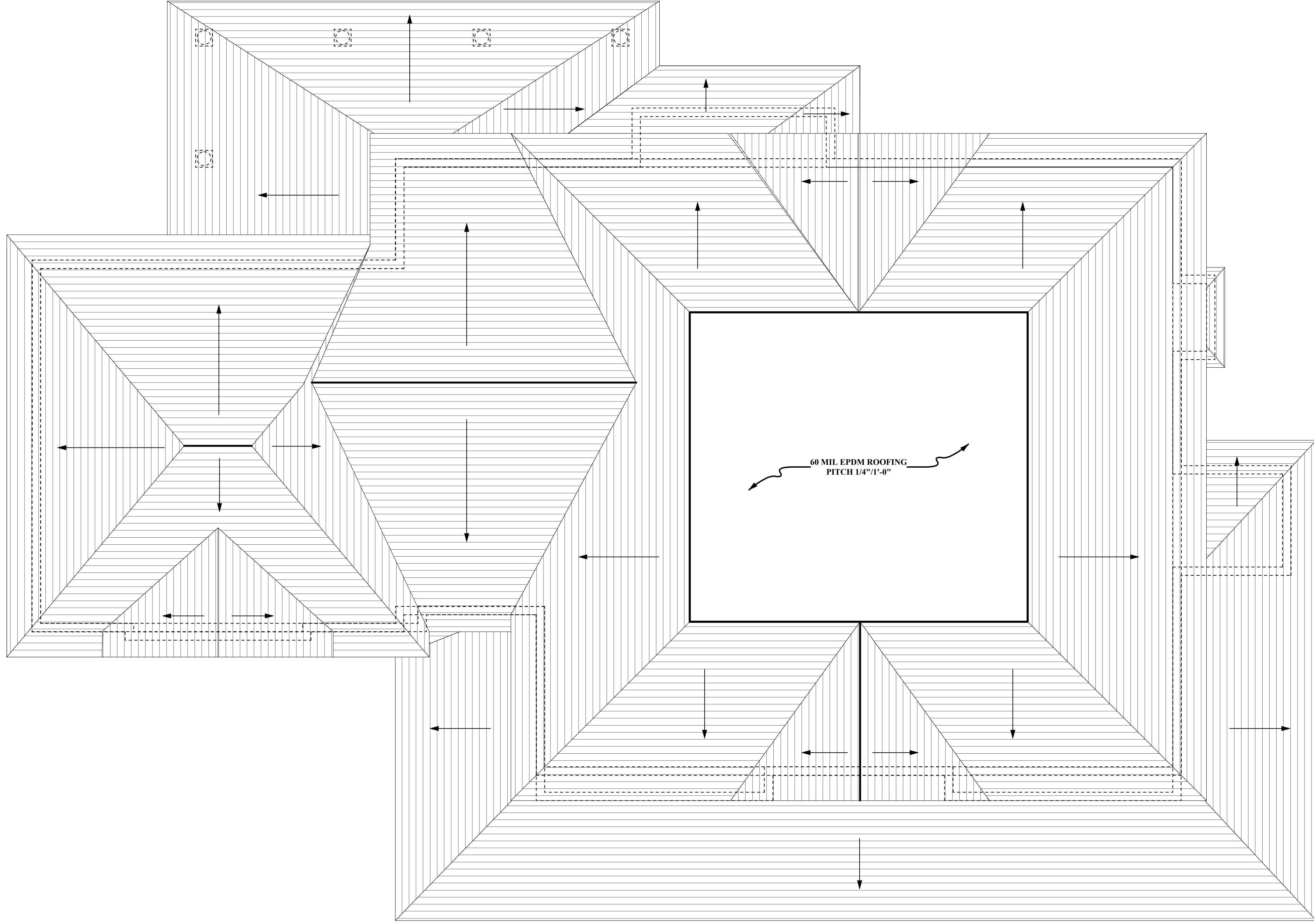
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Roof Plan

JOB NO	0086
DATE	9.7.18
DWG BY	SH
CKD BY	MLM
SCALE	

A-15



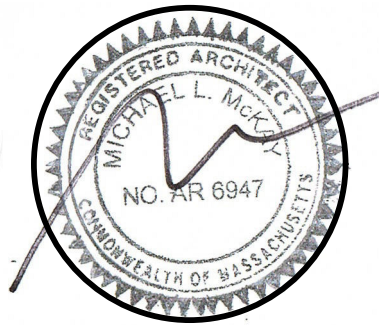
1 Roof Plan
A-1.5 1/4" = 1'-0"

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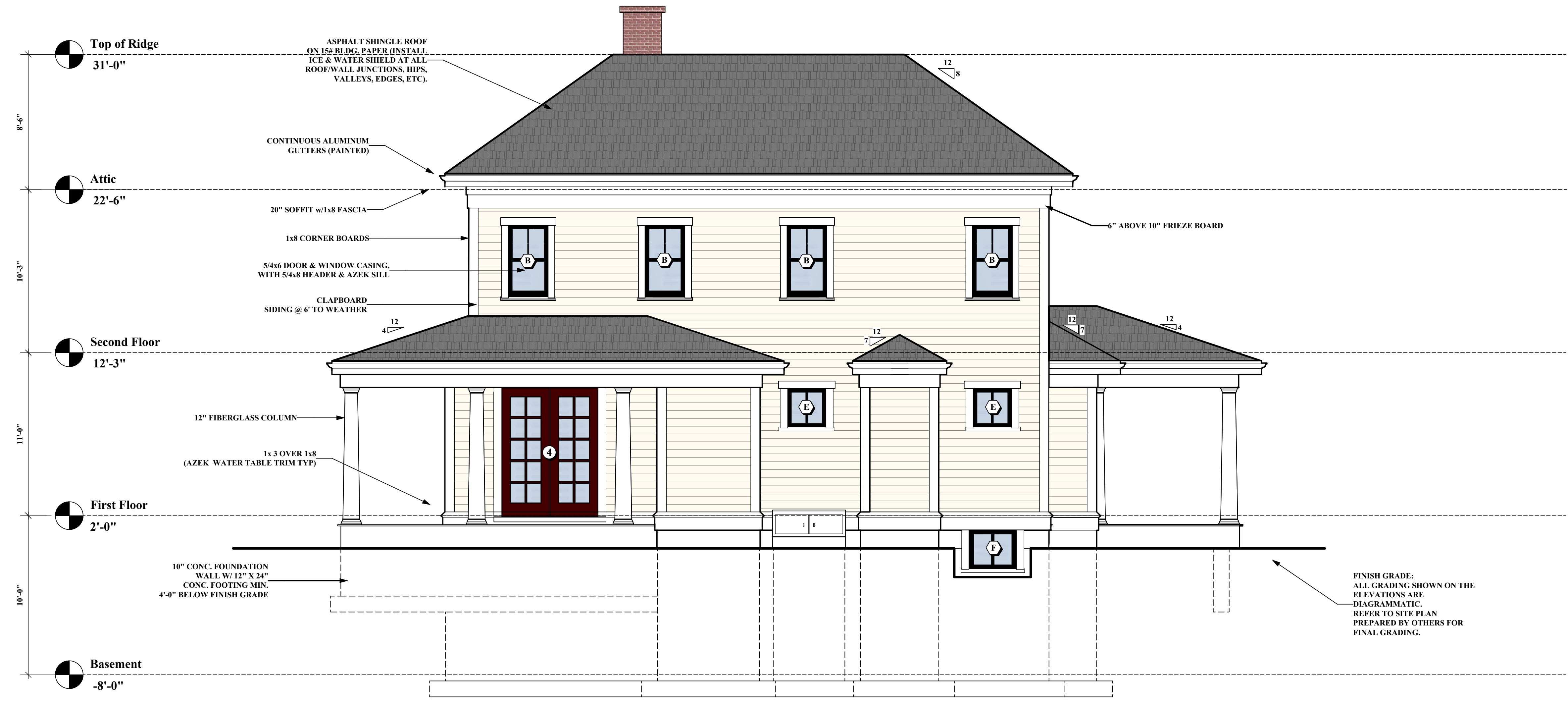


REV #	DATE	ISSUANCE

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Right Elevation

JOB NO	0086	A-2.2
DATE	9.7.18	
DWG BY	SH	
CKD BY	MLM	
SCALE		



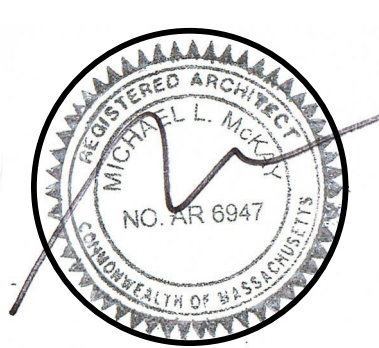
1
Right Elevation
A-2.2 1/4" = 1'-0"

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REV # DATE ISSUANCE

REV #	DATE	ISSUANCE

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Rear Elevation

JOB NO	0086
DATE	9.7.18
DWG BY	SH
CKD BY	MLM
SCALE	

A-2.3



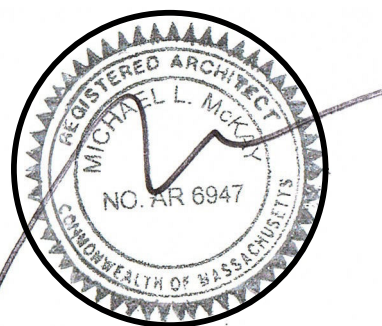
1 Rear Elevation
A-2.3 1/4" = 1'-0"

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REV #	DATE	ISSUANCE

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**Left Side
Elevation**

JOB NO	0086	A-2.4
DATE	9.7.18	
DWG BY	SH	
CKD BY	MLM	
SCALE		

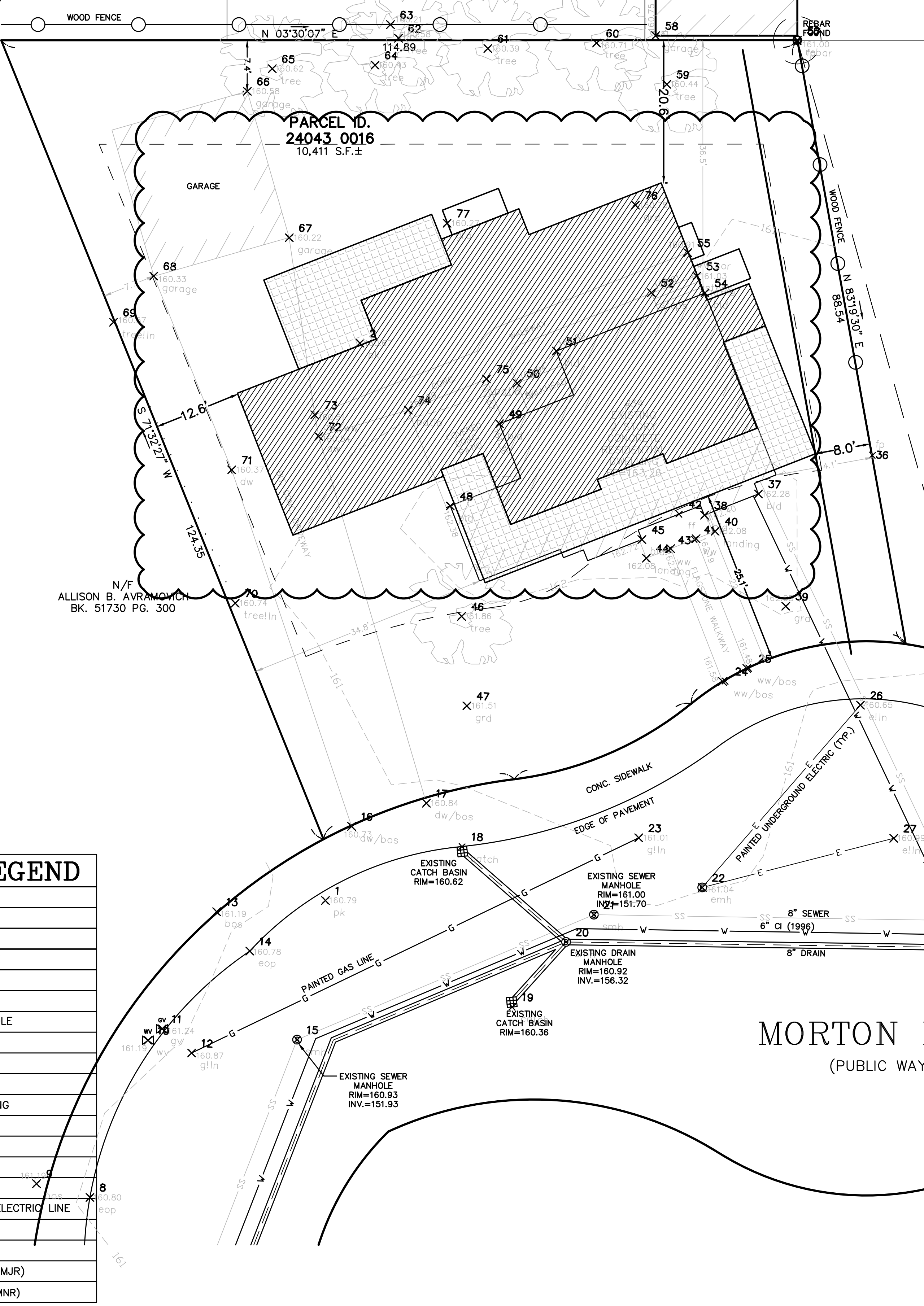


1 Left Elevation
A-2.4 1/4" = 1'-0"

N/F
CHIN YU CHANG &
SHIH LEE SHIRLEY
BK. 27325 PG. 432

N/F
HARVEY ALFORD
BK. 66772 PG. 82

N/F
CHUCK & KWAI LAN
S00 H00
BK. 25965 PG. 258



NOTE: CONTRACTOR TO CONFIRM LOCATION OF DOWN SPOUTS PRIOR TO CARRYING OUT ANY DRAINAGE WORKS

NOTE: SURFACE WATER TO BE DIVERTED FROM ALL SIDES OF FOUNDATION WALL

NOTE: ANY TREE BEING REMOVED SHALL COMPLY WITH CITY OF NEWTON TREE ORDINANCE

NOTE: CONTRACTOR TO ENSURE SEWER LINE IS PITCHED AT AN EQUAL SLOPE OF BETWEEN 2% AND 10% FROM HOUSE TO MAIN CONNECTION

NOTE: PETER NOLAN & ASSOCIATES LLC, ACCEPT NO LIABILITY FOR GROUND WATER OR OTHER SURFACE WATER IN BASEMENT

NOTE: CONTRACTOR TO ENSURE ALL RAIN WATER FROM SPLASH BLOCKS (IF ANY) IS DIVERTED AWAY FROM BUILDING FOUNDATION AND DIVERTED AWAY FROM NEIGHBORING PROPERTIES

NOTE: SEWER AND WATER MAIN LINE LOCATION TO BE CONFIRMED BY CONTRACTOR

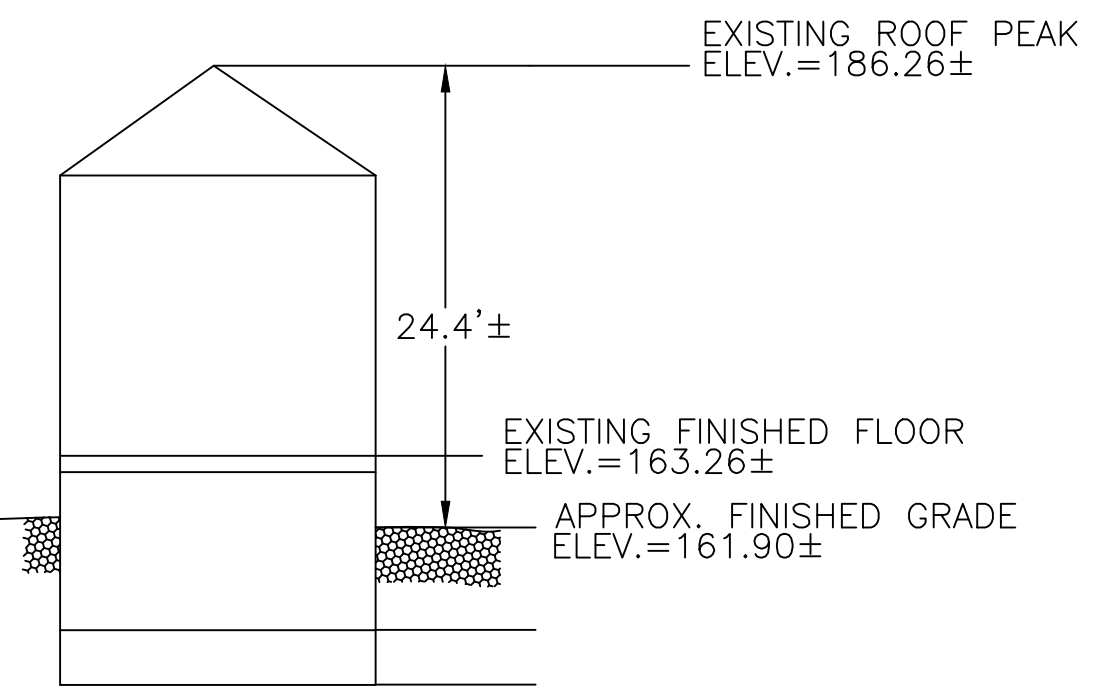
NOTE: CONTRACTOR TO ENSURE THAT THE BUILDING FOOTPRINT REPRESENTED ON THIS PLAN IS THE SAME AS THE PROPOSED ARCHITECTURAL /STRUCTURAL PLANS AND INCORPORATES ALL OVERHANGS, CANTILEVERS AND ANY COMPONENT THAT IS SUBJECT TO ZONING RESTRICTIONS. IF THIS IS FOUND NOT TO BE THE CASE THE CONTRACTOR MUST CONTACT THE ENGINEER /SURVEYOR AND REQUEST A REVISED PLAN WHICH MUST BE RESUBMITTED TO I.S.D. CITY OF NEWTON

ZONING LEGEND

ZONING DISTRICT: SINGLE RESIDENCE 2
(LOT CREATED BEFORE 12/07/1953)

	REQUIRED	EXISTING	PROPOSED
MIN. AREA	10,000 S.F	10,311 S.F.±	10,311 S.F.±
MIN. FRONTAGE	80'	90.23'	90.23'
MIN. YARD FRONT	25'	22.7'	25.1'
SIDE	7.5'	14.1'	8'
	15'	36.5'	20.6'
MAX. LOT COV.	30%	16.1%	29.5%
MIN. OPEN SPACE	50%	68.6%	59.4%

- NOTES:
1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC AS OF 7/13/2018.
 2. DEED REFERENCE: BOOK 39865, PAGE 483
PLAN REFERENCE 1: PLAN No. 340 OF 2003
PLAN REFERENCE 2: PLAN BOOK 232, PLAN 45
PLAN REFERENCE 3: PLAN BOOK, 316, PLAN 21
PLAN REFERENCE 4: PLAN BOOK 274, PLAN 22
PLAN REFERENCE 5: PLAN NO. 487 OF 1932
PLAN REFERENCE 1: PLAN NO. 1610 OF 1946
MIDDLESEX COUNTY SOUTH DISTRICT REGISTRY OF DEEDS.
 3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
 4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C0554E, PANEL NUMBER 0554E, COMMUNITY NUMBER: 250208, DATED 6/4/2010.
 5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
 6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
 7. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS PETER NOLAN & ASSOCIATES LLC ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
 8. THE ELEVATIONS SHOWN ARE ON BOSTON CITY BASE.



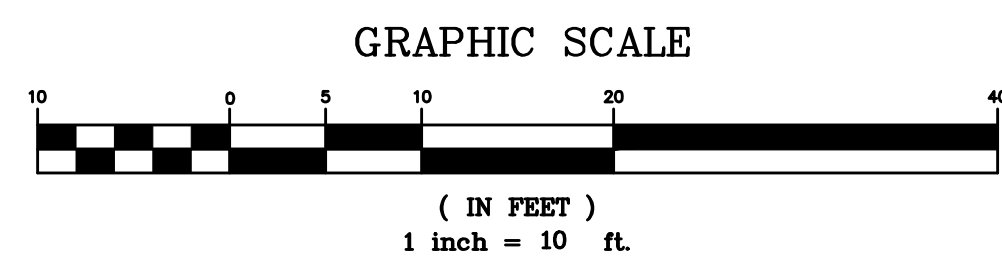
EXISTING PROFILE
NOT TO SCALE

- ### NOTES
1. ELEVATIONS REFER TO CITY OF NEWTON DATUM.
 2. THE LOCATIONS AND ELEVATIONS OF ALL EXISTING UTILITIES SHALL BE CONSIDERED APPROXIMATE AND MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ANY CROSSINGS OF PROPOSED AND EXISTING UTILITIES.
 3. MASSACHUSETTS STATE LAW REQUIRES UTILITY NOTIFICATION AT LEAST THREE BUSINESS DAYS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CALL DIG-SAFE AT 1-888-344-7233 IN ORDER TO COMPLY WITH STATE LAW.
 4. ALL UTILITY CONSTRUCTION SHALL CONFORM TO THE CITY OF NEWTON GENERAL CONSTRUCTION DETAILS, LATEST EDITION, PREPARED AND ISSUED BY THE NEWTON ENGINEERING DEPARTMENT. COPIES MAY BE OBTAINED AT THE OFFICE OF THE CITY ENGINEER. REFER TO NOTE 29 FOR DETAILS. NOTE: A TRENCH PERMIT MUST BE OBTAINED PRIOR TO ANY EXCAVATION BEING CARRIED OUT.
 5. PROPOSED SEWER PIPE SHALL BE 6" PVC SDR 35.
 6. PROPOSED WATER SERVICE SHALL BE 1" TYPE K COPPER.
 7. THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY DONE ON THE GROUND OCTOBER 31, 2017.
 8. ALL WORK SHALL BE SUBJECT TO THE INSPECTION BY AND APPROVAL OF THE CITY ENGINEER.
 9. NO EXCAVATION SHALL BE MADE BY THE CONTRACTOR IN ANY PUBLIC WAY OR UTILITY EASEMENT UNLESS AT LEAST FORTY-EIGHT (48) HOURS, EXCLUSIVE OF SATURDAYS, SUNDAYS, AND HOLIDAYS, BEFORE THE PROPOSED EXCAVATION IS TO BE MADE, HE HAS SUBMITTED, BY REGISTERED MAIL, WRITTEN NOTICE OF THE PROPOSED EXCAVATION TO THE FOLLOWING:
 - a. SUCH PUBLIC UTILITY COMPANIES AS SUPPLY GAS, ELECTRICITY, AND TELEPHONE SERVICE IN THE CITY.
 - b. SUCH PRIVATE COMPANIES AS PROVIDE CABLE TELEVISION SERVICE IN THE CITY.
 10. CITY OF NEWTON WATER & SEWER DEPARTMENT. SUCH NOTICE SHALL SET FORTH THE STREET NAME AND A REASONABLY ACCURATE DESCRIPTION OF THE LOCATION OF THE EXCAVATION.
 11. THE CONTRACTOR SHALL PROVIDE CITY OF NEWTON POLICE OFFICERS FOR THE DIRECTION AND CONTROL OF TRAFFIC, AS REQUIRED BY THE CITY ENGINEER.
 12. NO WORK SHALL BE PERFORMED UNTIL THE NECESSARY PERMITS ARE OBTAINED FROM THE CITY OF NEWTON PUBLIC WORKS DEPARTMENT.
 13. ALL TRENCHES IN PAVED STREETS SHALL BE TEMPORARILY PATCHED WITH 1.5 INCH DEPTH OF BITUMINOUS CONCRETE, LAID HOT AND MAINTAINED UNTIL THE PERMANENT PATCH IS INSTALLED.
 14. WARNING SIGNS SHALL CONFORM TO PAGE 12 OF THE CITY OF NEWTON GENERAL CONSTRUCTION DETAILS.
 15. ALL TOPSOIL, SUBSOIL OR IMPERVIOUS SOIL MUST BE EXCAVATED AND REMOVED BELOW THE LEACHING SYSTEM AND TO A DISTANCE 5' LATERALLY IN ALL DIRECTIONS BEYOND THE SIDES OF THE GALLEYS BACKFILL AS REQUIRED WITH A CLEAN GRANULAR SAND, FREE FROM ORGANIC MATTER AND DELETERIOUS SUBSTANCES. THE SAND SHALL HAVE A PERCOLATION RATE OF 2 MINUTES PER INCH OR FASTER.
 16. IN CASES WHERE LEDGE OR BOULDERS ARE ENCOUNTERED, PETER NOLAN & ASSOCIATES, INC. WILL NOT BE RESPONSIBLE FOR THE AMOUNT OF ROCK ENCOUNTERED.
 17. IF ANY PART OF THIS DESIGN IS TO BE ALTERED IN ANY WAY, THE DESIGN ENGINEER, AS WELL AS THE APPROVING AUTHORITIES, SHALL BE NOTIFIED IN WRITING BEFORE CONSTRUCTION.
 18. THE ROOF RUNOFF FROM THE ROOF SURFACES SHALL BE COLLECTED BY GUTTERS AND DIRECTED TO THE STORM WATER DRAINAGE SYSTEM.
 19. PRIOR TO AN OCCUPANCY PERMIT BEING ISSUED, AN AS-BUILT PLAN SHOULD BE SUBMITTED TO THE ENGINEERING DIVISION IN BOTH DIGITAL FORMAT AND HARD COPY. THE PLAN SHOULD SHOW ALL UTILITIES AND FINAL GRADES, TIES TO ALL GATES, VALVES, CLEAN-OUTS, CONNECTION POINTS AT MAINS, STRUCTURE ACCESS/MAINTENANCE COVERS, ANY EASEMENTS AND FINAL GRADING.
 20. THE APPLICANT WILL HAVE TO APPLY FOR A STREET OPENING & UTILITIES CONNECTION PERMITS AS WELL AS A SIDEWALK CROSSING PERMIT AND A TRENCH PERMIT WITH THE DPW.
 21. THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE DESIGN ENGINEER FOR INSPECTIONS OR AS-BUILT LOCATIONS. PETER NOLAN & ASSOCIATES, LLC. WILL NOT PROVIDE AS-BUILT CERTIFICATION TO UNSPECTED BACKFILLED UTILITIES. A MINIMUM OF 48 HOURS NOTICE IS REQUIRED PRIOR TO INSPECTIONS.
 22. ANY PROPOSED PVC PIPES UNDER PAVING OR CONCRETE WITH LESS THAN 30" OF COVER MUST BE ENCASED IN CONCRETE. (SEE PAGE 21, CITY OF NEWTON GENERAL CONSTRUCTION DETAILS.)
 23. THE CONTRACTOR SHALL NOTIFY THE ENGINEERING DIVISION 48 HOURS IN ADVANCE AND SCHEDULE AN APPOINTMENT TO HAVE THE DRAINAGE SYSTEM, WATER & SEWER SERVICES INSPECTED. THE SYSTEM & UTILITIES MUST BE FULLY EXPOSED FOR THE INSPECTOR. ONCE THE INSPECTOR IS SATISFIED, THE SYSTEM & UTILITIES MAY THEN BE BACKFILLED.
 24. THE EXISTING CONTOURS OF THE LAND ARE NOT TO BE ALTERED BY MORE THAN THREE (3) FEET AS A RESULT OF THE PLACEMENT OR REMOVAL OF SOD, LOAM, CLAY, GRAVEL OR STONE, OR OTHER SOLID MATERIAL UNLESS A PROPOSED RETAINING WALL OR SWALE IS INSTALLED AFTER IT IS APPROVED BY BOTH CITY OF NEWTON ENGINEERING DEPARTMENT & CITY OF NEWTON I.S.D.
 25. IF A CERTIFICATE OF OCCUPANCY IS REQUESTED PRIOR TO ALL SITE WORK BEING COMPLETED, THE APPLICANT WILL BE REQUIRED TO POST A CERTIFIED BANK CHECK IN THE AMOUNT TO COVER THE REMAINING WORK. THE CITY ENGINEER SHALL DETERMINE THE VALUE OF THE UNCOMPLETED WORK.
 26. NO WORK IS ALLOWED WITHIN A CITY OF NEWTON RIGHT-OF-WAY BETWEEN NOVEMBER 15TH AND APRIL 15TH. IF AN EMERGENCY EXISTS OR THERE ARE EXTENUATING CIRCUMSTANCES, APPLICANT MAY REQUEST PERMISSION FROM THE CITY ENGINEER. IF ALLOWED, SPECIAL CONSTRUCTION REQUIREMENTS WILL BE REQUIRED, AND AS SUCH IT IS RECOMMENDED THAT THE APPLICANT OR APPLICANT'S REPRESENTATIVE CONTACT THE CITY OF NEWTON ENGINEERING DEPARTMENT PRIOR TO START OF WORK FOR CLARIFICATION.
 27. AT THE END OF CONSTRUCTION, ALL DRAINAGE STRUCTURES ARE TO BE CLEANED OF SILT, STONES AND OTHER DEBRIS. 28. DURING CONSTRUCTION, THE EROSION CONTROL MEASURES SHALL BE INSPECTED ONCE PER WEEK AND WITHIN 24 HOURS OF ANY STORM EVENT GENERATING MORE THAN 1/2" OF RAINFALL. THE EROSION CONTROL MEASURES SHALL BE CLEANED REGULARLY AND ADJUSTED IF NECESSARY TO ENSURE THAT NO SILT OR DEBRIS LEAVES THE SITE.
 29. WITH EXCEPTION OF GAS UTILITY SERVICES, ALL UTILITY TRENCHES WITHIN ANY CITY OF NEWTON RIGHT-OF-WAY WILL BE BACKFILLED WITH TYPE IE (EXCAVATABLE) CONTROLLED DENSITY FILL, AS SPECIFIED BY THE CITY OF NEWTON ENGINEERING SPECIFICATIONS.
 30. ALL CONSTRUCTION ACTIVITIES WITHIN THE CITY OF NEWTON RIGHT-OF-WAY MUST FULLY COMPLY WITH ALL OF CITY OF NEWTON CONSTRUCTION SPECIFICATIONS AS WELL AS 521 CMR 21.00 AND 22.00.
 31. THE NEW SEWER SERVICE LINE MUST BE PRESSURE TESTED PRIOR TO USE. THE RESULT OF THE TEST MUST BE PROVIDED TO THE ENGINEERING DIVISION PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. THE CONTRACTOR NEEDS TO NOTIFY THE ENGINEERING DIVISION 48 HOURS IN ADVANCE AND SCHEDULE AN APPOINTMENT TO HAVE THE PRESSURE TEST WITNESSED BY A CITY OF NEWTON ENGINEERING DEPARTMENT REPRESENTATIVE.
 32. THE CONTRACTOR NEEDS TO NOTIFY THE ENGINEERING DIVISION 48 HOURS IN ADVANCE AND SCHEDULE AN APPOINTMENT TO HAVE THE DRAINAGE SYSTEM INSPECTED. THE SYSTEM MUST BE FULLY EXPOSED FOR THE INSPECTOR. ONCE THE INSPECTOR IS SATISFIED, THE SYSTEM MAY THEN BE CONSTRUCTED. 33. ALL SILTATION CONTROL NEEDS TO BE INSTALLED PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL CONTACT THE CITY ENGINEER'S OFFICE FOR APPROVAL PRIOR TO COMMENCEMENT.
 34. ALL TRENCH EXCAVATION CONTRACTORS SHALL COMPLY WITH MCL CHAPTER 82A, TRENCH EXCAVATION SAFETY REQUIREMENTS, TO PROTECT THE GENERAL PUBLIC FROM UNAUTHORIZED ACCESS TO UNTENDED TRENCHES. A TRENCH EXCAVATION PERMIT IS REQUIRED.
 35. APPROVAL OF THIS PLAN BY CITY OF NEWTON ENGINEERING DIVISION IMPLIES THAT THE PLAN MEETS THE MINIMAL DESIGN STANDARDS OF THE CITY OF NEWTON. HOWEVER, THE ENGINEERING DIVISION MAKES NO REPRESENTATION AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN(S) IN TERMS OF SUITABILITY FOR THE PARTICULAR SITE CONDITIONS OR OF THE FUNCTIONABILITY OR PERFORMANCE OF ANY ITEMS CONSTRUCTED IN ACCORDANCE WITH THE DESIGN(S). THE CITY OF NEWTON ASSUMES NO LIABILITIES FOR DESIGN ASSUMPTION, ERRORS OR OMISSIONS BY THE ENGINEER OF RECORD.

EXISTING LEGEND

	TREE
	BOUND
	REBAR
	SEWER MANHOLE
	DRAIN MANHOLE
	CATCH BASIN
	ELECTRIC MANHOLE
	WATER VALVE
	GAS VALVE
	SPOT GRADE
	EXISTING BUILDING
	FENCE
	TREE LINE
	SEWER LINE
	DRAIN LINE
	UNDERGROUND ELECTRIC LINE
	WATER LINE
	GAS LINE
	CONTOUR LINE (MJR)
	CONTOUR LINE (MNR)

MORTON ROAD
(PUBLIC WAY)



SCALE 1"=10'			
DATE 10/04/2018	REV	DATE	REVISION
SHEET 1	34 MORTON ROAD NEWTON MASSACHUSETTS PROPOSED CIVIL PLAN		BY
PLAN NO. 1 OF 1			SHEET NO. 1
CHECKED BY AS	PETER NOLAN & ASSOCIATES LLC LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS 697 CAMBRIDGE STREET, SUITE 103 BRIGHTON MA 02135 PHONE: 857 891 7478/617 782 1533 FAX: 617 202 5691 EMAIL: pnolan@pnasurveyors.com		

November 6, 2019

Brook Lipsitt, Chairman
Zoning Board of Appeals
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Dear Ms. Lipsitt,

In accordance with 760 CMR 56.05(11) and 750 CMR 56.07(4) I am writing to request a change to the Comprehensive Permit granted on February 12, 2018 and amended on May 22, 2018 for the project located at 236 Auburn Street, Newton. We believe the below changes requested could be considered "insubstantial."

The 12/4/2017 site plan approved by the ZBA presents 11 parking spaces, one of which is wide enough to accommodate a wheelchair accessible vehicle (12'). It has been brought to our attention by the DHCD architect reviewer that we need to provide a handicapped van space instead which, requires more dimensional width than is available in the lot as currently designed. In order to accommodate the van requirements (18') we request permission to reduce the number of parking spaces to 10.

We appreciate your consideration.

Thank you.

Sincerely,



Jennifer Van Campen
Interim Executive Director