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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 6, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Peter Leis and Jennifer Storo
Terrence P. Morris, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to convert a nonconforming two-family dwelling to three units and to extend nonconforming lot area per unit**

Applicant: Peter Leis & Jennifer Storo	
Site: 350 Cabot Street	SBL: 22019 0005
Zoning: SR2	Lot Area: 12,594 square feet
Current use: Two-family dwelling	Proposed use: Three-family dwelling

BACKGROUND:

The property at 350 Cabot Street consists of a 12,594 square foot lot improved with a nonconforming two-family dwelling constructed circa 1872 in the SR2 district. The petitioners intend to convert one of the units within the dwelling into two units to create a three-unit multi-family dwelling. The two-family dwelling is a nonconforming use in the Single Residence 2 zoning district and the proposed alteration further extends the nonconformity, requiring a special permit.

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

- Zoning Review Application, prepared Terrence P. Morris, attorney, submitted 5/15/2020
- Existing Condition Plan of Land, prepared by VTP surveyor, dated 5/15/2020
- Proposed Condition Plan of Land, prepared by VTP, surveyor, dated 5/15/2020
- Proposed Floor Plans, prepared by Boston Survey, Inc, dated 4/2/2020

ADMINISTRATIVE DETERMINATIONS:

1. The existing two-family dwelling is nonconforming, as it is located in the Single Residence 2 zoning district, which prohibits two-family dwellings per section 3.4.1. The petitioners intend to rehab the existing dwelling and convert one of the existing units into two, creating a three-family dwelling. To further extend the nonconforming two-family dwelling use requires a special permit per sections 3.4.1 and 7.8.2.C.2.
2. There are two driveways serving the property, one off Cabot Street and the other off Pulsifer Street. The Pulsifer Street driveway contains two parking stalls which will remain unchanged . The Cabot Street driveway will be expanded in width from 16.4 feet to 18 feet and will accommodate four cars for the remaining two units. The overall driveway length will be reduced and replaced with a landscaped area and patio.

SR2 Zone	Required*	Existing	Proposed
Lot Size	10,000 square feet	12,594 square feet	No change
Frontage	70 feet	90 feet	No change
Setbacks - <ul style="list-style-type: none"> • Front (Cabot) • Front (Pulsifer) • Side • Rear 	25 feet 25 feet 7.5 feet 15 feet	37.2 feet 19.2 feet 22 feet 2.9/18.9 feet	No change No change No change 5 feet
Lot Area Per Unit	15,000 square feet	6,297 square feet	4,198 square feet
Height	36 feet	33.75 feet	No change
Stories	2.5	2.5	No change
Max Lot Coverage	30%	25%	No change
Min. Open Space	50%	56.6%	58.3%

*The listed dimensional requirements pertain to single-family dwellings in the SR2 district. Section 3.1.2.A.3 states that where a density or dimensional control is not set forth in Section 3.1 Single Residence Districts for a use allowed by special permit, the most restrictive density or dimensional control applicable in any district where such use is allowed by right shall be applicable. The proposed three-unit multi-family dwelling use is not allowed in any district by right. Therefore, the Council must determine whether the existing dimensions of the lot and structure are appropriate for the proposed use.

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1 §7.8.2.C.2	Request to further expand a nonconforming two-family dwelling in a SR2 district to three units	S.P. per §7.3.3

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