



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

ZONING REVIEW MEMORANDUM

Date: June 17, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Judy Lai Yee, Applicant
Jay Walter, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to extend a nonconforming two-family dwelling

Applicant: Judy Lai Yee	
Site: 107-109 Grove Street	SBL: 43031 0014
Zoning: SR3	Lot Area: 12,437 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling with an accessory apartment

BACKGROUND:

The property at 107-109 Grove Street consists of a 12,437 square foot lot improved with a two-family dwelling and detached garage constructed circa 1925. The petitioners intend to rehab the existing dwelling and construct a two-story rear addition to include a basement accessory apartment. The two-family dwelling is a nonconforming use in the Single Residence 3 zoning district and the proposed addition 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 Jay Walter, architect, submitted 3/20/2020
- Existing Condition Plan of Land, prepared by EMB, surveyor, dated 2/7/2020
- Proposed Condition Plan of Land, prepared by Bruce Bradford, surveyor, dated 2/13/2020
- Architectural plans and elevations, prepared by Jay Walter, architect, dated 3/4/2020

ADMINISTRATIVE DETERMINATIONS:

1. The existing two-family dwelling is nonconforming, as it is located in the Single Residence 3 zoning district, which prohibits two-family dwellings per section 3.4.1. The petitioners intend to rehab the existing dwelling and construct a two-story rear addition, which includes an internal accessory apartment. 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. The total square footage of habitable space including the proposed addition is 4,634 square feet. Per section 6.7.1.D.2 an internal accessory apartment may be the lesser of 1,000 square feet or 33% of the total habitable space of the dwelling. The proposed accessory apartment is 667 square feet, which is 14% of the total habitable space.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	12,437 square feet	No change
Frontage	70 feet	72 feet	No change
Setbacks -			
• Front	25 feet	28.8 feet	No change
• Side	7.5 feet	10.6 feet	No change
• Side	7.5 feet	17.3 feet	11.5 feet
• Rear	15 feet	>85 feet	85.5 feet
Height	36 feet	30.7 feet	30.9 feet
Stories	2.5	2.5	No change
FAR	.42 (.40 + .02 bonus)	.31	.40
Max Lot Coverage	30%	17.7%	20.3%
Min. Open Space	50%	57%	61%*

*The removal of paving at the rear of the property results in increased open space

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to further alter and extend a nonconforming two-family dwelling in a SR3 district	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