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Director

ZONING REVIEW MEMORANDUM

Date: September 11, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Laurance Lee, Attorney
Lauren and David Brooks, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow a rear-lot subdivision

Applicant: Lauren and David Brooks	
Site: 40 Williston Road	SBL: 43028 0006
Zoning: SR3	Lot Area: 25,099 square feet
Current use: Single-family dwelling	Proposed use: Two single-family dwellings on two separate lots

BACKGROUND:

The property at 40 Williston Road consists of 25,099 square feet and is improved with a dwelling built circa 1880 in the SR3 zoning district. The applicants propose to subdivide the lot to create a 13,949 square foot rear lot intended for the construction of a single-family dwelling, while maintaining the existing structure on the 11,150 square foot front lot.

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

- Zoning Review Application, prepared by Laurance Lee, Attorney, dated 8/7/2019
- Special Permit Plan, signed and stamped by Elliot J. Paturzo, surveyor, dated 1/3/2019
- FAR Worksheets, signed and stamped by Stanislav Berdichevsky, engineer, submitted 8/7/2019
- Architectural Plans and Elevations, signed and stamped by Stanislav Berdichevsky, engineer, dated 8/1/2019

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to create a rear lot subdivision per Sections 3.1.5 and 3.1.10. To subdivide the land as proposed, the applicant must obtain a special permit per Section 3.1.10.A.
2. Section 3.1.10.B.1 requires that a 20-foot wide vehicular access, or access easement, be provided. The rear lot will be accessed by a 20-foot wide easement with a 15.7-foot wide paved street opening that runs along the southern property line to the rear dwelling.
3. Section 3.1.10.B.2 requires both the front and rear lots to meet the frontage requirements for new lots in the zoning district. The petitioners intend to carve 20 feet of vehicular access to be deeded to the rear lot, leaving 104 feet of frontage for the front lot where 80 feet is required. The frontage for the rear lot is the width of the property, or 94.8 feet, which meets the requirements of the Ordinance.
4. The proposed dwelling on the rear lot is situated 30.2 feet from the rear lot line of the front lot (40 Williston Road), which meets the requirements of Section 3.1.10.B.3.a
5. The proposed structures meet the required rear and side setbacks set forth in Section 3.1.5.
6. Per section 3.1.3, the existing single-family dwelling is nonconforming with regard to height at 39.3 feet, where 36 feet is the maximum allowed. No changes are proposed to the existing dwelling and its nonconforming height will not increase or be extended.

The proposed dwelling has a maximum height of 28 feet, where 36 feet is the maximum allowed per section 3.1.5. No relief is required for the proposed height of the structure.

7. Per section 3.1.3, the existing single-family dwelling is nonconforming with three stories, where 2.5 stories are the maximum allowed. No changes are proposed to the existing dwelling and the number of stories will not increase or be extended.

The rear lot dwelling is allowed a maximum of 2.5 stories per section 3.1.5. The proposed structure is 2.5 stories and does not require relief.

8. After the reduction in lot size, the existing single-family dwelling on the front lot will have an FAR of .42, where .40 is the maximum allowed for a 11,150 square foot lot per sections 3.1.3 and 3.1.9. A special permit is required to exceed the maximum FAR.

The dwelling on the rear lot will have an FAR of .30, where .24 is the maximum allowed for a rear lot in the Single Residence 3 zoning district per section 3.1.5. Per section 3.1.10.C.1, an increased FAR may be allowed by special permit if the proposed structure is in keeping with the neighborhood.

9. Retaining walls are proposed along the driveway on the southern property line, as well as along the rear of the property. The retaining wall in the northeast corner of the lot reaches a maximum height of four feet in the rear and side setbacks. Per section 5.4.2.B, the placement of a retaining wall of four feet or more in a setback requires a special permit.

Front Lot (Lot 1) per Section 3.1.3

SR3 Zone	Required/Allowed	Proposed
Lot Size	10,000 square feet	11,150 square feet
Frontage	80 feet	105 feet
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 10 feet 15 feet	39.5 feet 24.5 feet 15.3 feet
FAR	.40	.42
Maximum Stories	2.5	3*
Maximum Height	36 feet	39.3 feet*
Max. Lot Coverage	20%	18%
Min. Open Space	50%	75%

*existing nonconforming with no proposed changes

Proposed Rear Lot (Lot 2), per Section 3.1.5

SR3 Zone	Required/Allowed	Proposed
Lot Size	12,000 square feet	13,949 square feet
Frontage	80 feet	115.5 feet
Vehicle Access	20 feet	20.7 feet
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	30 feet 15 feet 23 feet	30.2 feet 15.8 feet 23.4 feet
FAR	0.24	0.30
Building Height	36 feet	28.5 feet
Maximum Stories	2.5	2.5
Max. Lot Coverage	25%	22%
Min. Open Space	50%	51%

10. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.1.5 §3.1.10.A	Request to allow a rear lot subdivision	S.P. per §7.3.3
§3.1.3 §3.1.9	Request to exceed FAR (front lot)	S.P. per §7.3.3
§3.1.5 §3.1.10.C.1	Request to exceed FAR (rear lot)	S.P. per §7.3.3
§5.4.2.B	Request to allow a retaining wall greater than four feet in height in the setback	S.P. per §7.3.3