



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 2, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Cliff Jewett, Applicant
Terrence P. Morris, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to extend a nonconforming residential use**

Applicant: Cliff Jewett	
Site: 17 Shamrock Street	SBL: 14020 0001
Zoning: BU1	Lot Area: 7,972 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 17 Shamrock Street consists of a 7,972 square foot lot improved with a two-family dwelling built in 1881 and a detached one-story garage in the Business 1 zoning district. The petitioner proposes to construct additions to the garage increasing both the height and footprint, extending the nonconforming residential use.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, submitted 4/8/2020
- Topographic Site Plan- Existing Conditions, prepared by VTP Associates, surveyor, dated 3/6/2019
- Topographic Site Plan- Proposed Conditions, prepared by VTP Associates, surveyor, dated 5/22/2020
- Architectural plans, signed and stamped by Ron Jarek, architect, dated 8/15/2019, revised 6/2/2020

ADMINISTRATIVE DETERMINATIONS:

1. The existing two-family dwelling was constructed in 1881 in what is now the Business 1 zoning district. Per section 4.4.1, the dwelling is a nonconforming use, as two-family dwellings are not allowed in the Business 1 district. The petitioner proposes to construct additions to the existing detached garage, adding a one-story 369 square foot addition on the west side, and adding a 705 square foot half story atop the the remainder of the garage, further expanding the residential use. A special permit per sections 4.4.1 and 7.8.2.C.2 is required.

BU1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,972 square feet	No change
Setbacks- Principal			
• Front (Shamrock St)	10 feet	6.8 feet	No change
• Front (Clinton St)	10 feet	3.3 feet	No change
• Side	16.1 feet (½ building height)	>16.1 feet	No change
• Rear	0 feet	45.9 feet	No change
Setbacks – Accessory			
• Front (Shamrock St)	10 feet	>10 feet	>10 feet
• Front (Clinton St)	10 feet	>10 feet	>10 feet
• Side	10.9 feet (½ building height)	2.2 feet	No change
• Rear	0 feet	-0.75 feet	2.2 feet
Building Height			
• Principal	36 feet	32.11 feet	No change
• Accessory		10 feet	21.75 feet
Max Number of Stories	2	2.5	No change
Lot Area Per Unit	1,200 square feet	3,986 square feet	No change
FAR	1.00	.31	.41

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§4.4.1 §7.8.2.C.2	Request to further extend a nonconforming residential use in a Business 1 zoning 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