



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: May 9, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Laurance Lee, Attorney
180 Adams Street LLC and 184-186 Adams Street LLC, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to extend an existing nonconforming residential use to allow six dwelling units

Applicant: 180 Adams Street LLC and 184-186 Adams Street LLC

Site: 180, 184-186 Adams Street	SBL: 14014 0022 and 14014 0020
Zoning: BU2	Lot Area: 15,355 square feet
Current use: One single- and one two-family dwelling	Proposed use: Six dwelling units within two buildings

BACKGROUND:

The subject site consists of two separate properties known as 180 Adams Street and 184-186 Adams Street, located in the Business 2 zoning district. The property at 180 Adams Street consists of 5,271 square feet and is improved with a single-family dwelling built in 1880 and a detached accessory building. The property at 184-186 Adams Street consists of 10,084 square feet and is improved with a two-family dwelling also constructed in 1880. The petitioners propose to raze the two existing dwellings and construct six dwelling units within two buildings.

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

- Zoning Review Application, prepared by Laurance Lee, Attorney, dated 1/11/2019
- Topographic Site Plan, prepared by VTP Associates, surveyor, dated 11/26/2018, revised 1/3/2019
- Architectural Plans and Elevations, signed and stamped by Mark Sangiolo, architect, dated 12/8/2018, revised 1/3/2019

ADMINISTRATIVE DETERMINATIONS:

1. The subject site is comprised of two separate parcels, each improved with nonconforming residential uses. The petitioners propose to raze the existing dwellings and construct six dwelling units within two buildings on the combined lot. Per section 4.4.1, residential uses on the ground floor require a special permit in the Business 2 zoning district. The existing residential uses predate the special permit requirement and are legally nonconforming. To allow for construction of six dwelling units within two buildings, extending the existing nonconforming residential use, requires a special permit per section 4.4.1 and 7.8.2.C.2.
2. The proposed structures are three stories, with ground level garages and two floors of living space above. Per section 4.1.2.B.3, a special permit is required to construct a three-story structure in the Business 2 zoning district.
3. Section 4.1.3 allows for a maximum FAR of 1.50 for a three-story structure, where a three-story structure requires a special permit per section 4.1.2.B.3. The proposed FAR is 1.1. To the extent that the FAR is tied to the number of stories, and the number of stories require a special permit, a special permit to allow an FAR of 1.1 is required per sections 4.1.2.B.3 and 4.1.3.
4. Per section 4.1.3, the required side setback in a BU2 district is half the building height, or equal to the abutting side yard setback. Both existing buildings have nonconforming side setbacks; 184-186 Adams Street requires 14.1 feet, but has an existing side setback of 9.7 feet; and 180 Adams Street requires 15.7 feet, but has an existing side setback of 7.3 feet.

The petitioner intends to expand the existing two-family dwelling currently at 184-186 Adams Street by razing the structure, and constructing a four-unit residential building. The required side setback is half the building height, or 14.1 feet as the building currently exists per section 4.1.3. The structure has an existing nonconforming side setback of 9.7 feet. The proposed construction increases the height to 35.97 feet, creating a new side setback requirement of 18 feet. The proposed construction extends the nonconforming side setback, though does not increase it, requiring a special permit per sections 4.1.3 and 7.8.2.C.2.

Additionally, the existing two-family dwelling currently known as 180 Adams Street will be razed and expanded. The structure has an existing side setback of 7.3 feet, where 15.2 feet is required per section 4.1.3. The petitioner intends to construct a new two-unit structure which increases the overall height to 35.78 feet, creating a required side setback of 17.9 feet. The proposed construction further extends, though does not increase, the existing nonconforming side setback, requiring a special permit per sections 4.1.3 and 7.8.2.C.2.

BU2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	15,355 square feet	No change
Frontage	--	99.8 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side (180 Adams St) • Side (184 Adams St) • Rear 	≤10 feet 17.9 feet 18 feet 18 feet	21.4 feet 9.6 feet 7.3 feet 37.6 feet	10.1 feet No change No change 18 feet
Building Height	36 feet	30.33 feet 28.10 feet	Units 1-2: 35.78 feet Units 3-6: 35.97 feet
Max Number of Stories	2 (3 by special permit)	2	3
Lot Area Per Unit	1,200 square feet	3,839 square feet	2,559 square feet

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§4.4.1	To allow ground level residential use in the BU2 zoning district	S.P. per §7.3.3
§4.1.3	To allow a three-story structure	S.P. per §7.3.3
§4.1.3	To allow an FAR of 1.1 in a three-story structure	S.P. per §7.3.3
§4.1.3 §7.8.2.C.2	To extend a nonconforming side setback	S. P. per §7.3.3