



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: January 22, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Stephen Buchbinder, Attorney
Duane and Mary Hillis, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow four single-family attached dwellings

Applicant: Duane and Mary Hillis	
Site: 499 Winchester Street	SBL: 83035 0002
Zoning: SR3	Lot Area: 43,567 square feet
Current use: Single-family dwelling	Proposed use: Four single-family attached dwellings

BACKGROUND:

The property at 499 Winchester Street consists of 43,567 square feet and is improved with a single-family dwelling built in 1860 and a detached accessory building in the SR3 zoning district. The property abuts Nahanton Park to the west and south, and the Charles River Country Club to the north. The petitioners propose to construct four single-family attached dwellings in two separate buildings. The intention is to relocate the existing single-family dwelling closer to Winchester Street and construct an addition to it, as well as constructing a new second structure at the rear of the property. An accessory building, called the Milk House, will not contain any habitable space but will be used to house mechanicals for the dwellings.

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

- Zoning Review Application, prepared by Stephen Buchbinder, Attorney, dated 12/14/2018
- Existing Conditions Site Plan, signed and stamped by Joseph March, surveyor, and George Dimakarakos, engineer, dated 10/10/2018
- Proposed Grading Plan, signed and stamped by Joseph March, surveyor, and George Dimakarakos, engineer, dated 10/10/2018
- Proposed Layout Plan, signed and stamped by Joseph March, surveyor, and George Dimakarakos, engineer, dated 10/10/2018
- Architectural Plans Elevations, signed and stamped by Donald Lang, dated 12/2/2018

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to construct four attached single-family dwellings within two separate structures in the Single Residence 3 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the SR3 district.
2. Per section 3.1.4, a special permit is required for single-family attached dwellings with three stories. The average grade surrounding both dwelling structures is lower than the midpoint of each basement. This results in the basements being considered the first floor of each dwelling structure and the overall structure having three stories, requiring a special permit.
3. Retaining walls are proposed at the rear of the property on the northern and southern property boundaries. The walls are located within the required 25-foot setback, and both are four feet in height. Per section 5.4.2.B, a retaining wall four feet or more in height in the setback requires a special permit.

SR3 Zone	Required	Existing	Proposed
Lot Size	43,560 square feet	43,567 square feet	No change
Frontage	80 feet	206.7 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 25 feet 25 feet	>50 feet >50 feet >150 feet	31.2 feet 32.6 feet 26.3 feet
Building Height	36 feet	N/A	Units 1-2: 35.56 feet Units 3-4: 35.74 feet
Max Number of Stories	2.5 (3 by special permit)	2	3
Lot Coverage	30%	N/A	18.3%
Open Space	50%	N/A	66.7%
Lot Area Per Unit	10,000 square feet	43,567 square feet	10,892 square feet

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.1.4	To allow attached single-family dwellings with three stories	S.P. per §7.3.3
§5.4.2.B	To allow retaining walls of four feet or more in height within a setback	S.P. per §7.3.3