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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 9, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Stephen J. Buchbinder, Attorney
Michael & Dena Rashes, Applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to amend Board Order #229-14 to allow for a swingset

Applicant: Michael & Dena Rashes	
Site: 93 Bellevue Street	SBL: 12 021 0039 and 0040
Zoning: SR-2	Lot Area: 94,410 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 93 Bellevue Street consists of 94,410 square feet improved with a single-family residence constructed in 1875. The property was originally part of a much larger parcel which included the neighboring carriage house at 99-109 Bellevue Street. In 1980, the larger parcel was subdivided by Board Order #127-80(2), into three lots, known as Lots 38, 39 and 40. Lot 38 is the site of the Carriage House Condominium, containing six units, and lots 39 and 40 are the two lots comprising the applicants' property. The site is subject to recorded conservation and preservation restrictions of Board Order #127-80(2), as well as the conditions of Board Order #229-14 which allowed for an addition to the existing nonconforming single-family structure in 2014.

Condition #2 of Board Order #229-14 states that no structure "shall be constructed on Lot 40", the vacant parcel commonly owned with the improved parcel known as Lot 39. The applicant seeks an amendment to the special permit condition to erect a swing set on Lot 40.

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

- Zoning Review Application, prepared by Stephen Buchbinder, Attorney, submitted 4/10/2017
- As-Built Site Plan, signed and stamped by Verne T. Porter, surveyor, dated 3/16/2017

- Board Order #229-14
- Board Order #127-80(2)

ADMINISTRATIVE DETERMINATIONS:

1. The applicant’s property is comprised of two lots; Lot 39 is the site of the dwelling and Lot 40 is vacant and subject to conservation and preservation restrictions which limit construction. The applicant received a special permit (Board Order #229-14) in 2014 which allowed for construction of an addition to the dwelling. Condition #2 of that board order states that no structure “shall be constructed on Lot 40.” The applicant is seeking an amendment to the Board Order to allow for the erection on Lot 40 of a swing set, which has been deemed a structure by the Inspectional Services Department per Section 8.3, as it is an assemblage of materials at a fixed location on the land.

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	Amend Board Order #229-14 to allow for erection of a swing set	