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Director

## ZONING REVIEW MEMORANDUM

Date: August 13, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Laurance Lee, Attorney  
145 Warren Street LLC, Applicants  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: Request to allow four single-family attached dwellings

Applicant: 145 Warren Street LLC	
Site: 145 Warren Street	SBL: 61039 0010
Zoning: MR1	Lot Area: 23,399 square feet
Current use: Single-family dwelling	Proposed use: Four single-family attached dwellings

### BACKGROUND:

The property at 145 Warren Street consists of 23,399 square feet and is improved with a single-family dwelling built in 1916 and a detached accessory building in the MR1 zoning district. The property abuts MBTA train tracks to the north.

The existing single-family dwelling was deemed “preferably preserved” by the Newton Historical Commission. The petitioners propose to add one unit directly to the back of the existing dwelling, and construct two additional units behind them connected by an elevated courtyard. Under the courtyard will be a shared driveway that serves all four units.

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

- Zoning Review Application, prepared by Laurance Lee, Attorney, dated 2/14/2019
- FAR worksheet, signed and stamped by Mark Sangiolo, architect, dated 1/15/2019
- Elevations and sections, signed and stamped by Mark Sangiolo, architect, dated 1/1/2019
- Zoning Plan, prepared by VTP Associates, surveyors, dated 2/8/2019

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioners propose to construct four attached single-family dwellings a single structure split by a shared parking structure in the Multi Residence 1 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR1 district.
2. The petitioners intend to preserve the existing single-family dwelling and make rear additions. The existing structure has existing side setbacks of 14.4 feet on the westerly side and 23 feet on the easterly side. Section 3.2.4 requires a 25-foot setback for attached dwellings. The proposed side setbacks of the new units will not be less than the existing side setbacks, but will also not meet the 25-foot requirement. Waivers from the side and rear setbacks of 25 feet are required per section 3.2.4.
3. Section 3.2.4 allows for 2.5 stories by right, but requires a special permit for a three story structure. The Commissioner of Inspectional Services has interpreted that the green roof court bisecting the structure renders it one structure total instead of two separate structures with a connection. As such, the average grade is calculated as one structure, rendering it three stories and requiring a special permit.
4. The Newton Historical Commission requested that the rear addition to the existing dwelling align with the design and style of the single-story structure, requiring it to be low and wide. As such, the resulting proposed lot coverage of 37.6% exceeds the allowable 25% per section 3.2.4 requiring a waiver.
5. Section 3.2.4 requires a minimum of 50% open space for attached dwelling projects. The proposed construction creates 49.9% open space, requiring a waiver.
6. The petitioners propose to utilize and extend the existing driveway along the eastern property line to serve all four units. Per section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line. The driveway runs along the side lot line, requiring a waiver.
7. 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.

<b>MR1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	15,000 square feet	23,399 square feet	No change
Frontage	80 feet	90 feet	No change
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 25 feet 25 feet	26.6 feet 14.4 feet 170.8 feet	No change <b>14.4 feet</b> <b>20.8 feet</b>
Building Height	36 feet	24.34 feet	32.36 feet
Max Number of Stories	2.5 (3 by special permit)	1	<b>3</b>
Lot Coverage	25%	12.9%	<b>37.6%</b>
Open Space	50%	77.2%	<b>49.9%</b>
Lot Area Per Unit	4,000 square feet	23,399 square feet	5,850 square feet

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<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
§3.2.4	To reduce required side setbacks	S.P. per §7.3.3
§3.2.4	To allow three stories	S.P. per §7.3.3
§3.2.4	To increase allowed lot coverage	S.P. per §7.3.3
§3.2.4	To decrease minimum open space	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line	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