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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: April 5, 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
Thomas Joseph Hynes III and Elizabeth Hynes, owners
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to convert a two-family use to three, and to alter the use of a nonconforming structure

Applicant: Thomas and Elizabeth Hynes	
Site: 62 Walnut Park	SBL: 12005 0024
Zoning: MR1	Lot Area: 30,121 square feet
Current use: Two-family dwelling and accessory structure	Proposed use: Three-units in two structures

BACKGROUND:

The property at 62 Walnut Park consists of a 30,121 square foot lot improved with a two-family dwelling and detached barn, both constructed in 1847. The applicant proposes convert the existing detached barn into a third residential unit.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, submitted 2/17/2017
- Topographic Site Plan, prepared by VTP Associates Inc, surveyors, dated 2/15/2017
- Architectural plans, prepared by Hart Associates Architects Inc, date 1/25/2017
 - Existing Floor plans
 - Existing Elevations
 - Proposed Floor Plans
 - Proposed Elevations

ADMINISTRATIVE DETERMINATIONS:

1. The property is currently improved with an existing two-family dwelling and a detached barn structure, both built in 1847. Section 3.2.13 states that a structure located in the MR1 zoning district in existence on May 7, 1979 may converted to more than two-families by special permit. The applicant proposes to convert the existing detached barn structure into a third residential dwelling unit.
2. Per Section 3.2.13, the conversion requested is allowed provided that no exterior alterations of the structure beyond that which may be necessary to comply with applicable public safety codes. The applicant requires one dormer to meet the egress requirement of the Building Code. As this property is listed on the National Register, Newton Historic Commission requests that a second identical dormer be added with a matching egress window.
3. The existing detached barn is located 2.3 feet from the rear lot line, where 5 feet is required per Section 3.4.3.A.1. By converting the barn from storage to a residential unit, the applicant is altering the structure to provide for its use in a substantially different manner or greater extent than the existing use, per Section 7.8.2.C.1, which requires a special permit.

Zone MR1	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	30,121 square feet	No change
Frontage	70 feet	76 feet	No change
Setbacks for existing structure			
• Front	25 feet	32 feet	No change
• Side	7.5 feet	27.6 feet	No change
• Rear	15 feet	45.2 feet	No change
Setbacks for detached structures			
• Front	25 feet	<100 feet	No change
• Side	5 feet	57.9 feet	No change
• Rear	5 feet	2.3 feet	No change
• Height	22 feet	22.52 feet	No change
Max Lot Coverage	30%	14.8%	No change
Min Open Space	50%	7.5%	No change

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.2.13	To convert an existing structure in the MR1 district to more than two-families	S.P. per §7.3
§3.4.3.A.1, §7.8.2.C.1	To provide for the substantial change of use of an existing nonconforming structure	S.P. per §7.3