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Barney S. Heath  
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## ZONING REVIEW MEMORANDUM

Date: July 18, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Jennifer Caira, Chief Planner for Current Planning

Cc: Peter W. Tse, Applicant  
Paul Beaulieu, Agent  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: Request to extend nonconforming front setbacks

Applicant: Peter W. Tse	
Site: 28 Wade Street	SBL: 83001 0001
Zoning: SR3	Lot Area: 4,587 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling

### BACKGROUND:

The property at 28 Wade Street consists of a 4,587 square foot corner lot currently improved with a single-family residence constructed in 1906. The dwelling has been deemed not historically significant by the Newton Historical Commission. The petitioner proposes to raze the existing dwelling and construct a new single-family dwelling, expanding the footprint. The proposed construction requires a special permit to further the extend the nonconforming front setback of the existing dwelling on Wade Street and to alter the nonconforming front setback on Hersey Street.

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

- Zoning Review Application, prepared Paul Beaulieu, dated 6/4/2019
- FAR Worksheet, submitted 6/4/2019
- Certified Plot Plan, signed and stamped by Bradley J. Simonelli, surveyor, dated 6/3/2019
- Architectural plans and elevations, prepared by AP Design/Build, dated 6/4/2019

**ADMINISTRATIVE DETERMINATIONS:**

1. The existing dwelling has a front setback of 14.9 feet from Wade Street and 14.7 feet from Hersey Street, where 25 feet is required by section 3.1.3. The petitioners intend to raze the existing dwelling and reconstruct another single-family dwelling. The proposed dwelling will be sited with a 14.7 foot front setback from Wade Street and a 14.8 foot front setback from Hersey Street, and extends further to the back lot line opposite Wade Street. The petitioner requires a special permit to extend the nonconforming front setbacks per sections 3.1.3 and 7.8.2.C.2.
2. The petitioners propose to construct two parking stalls at the rear of the property off Hersey Street located on the front lot line. Section 5.1.7.A states that there may be only one parking stall of the two required within the front setback and no stall may be within five feet of the street. The petitioner requires a special permit to allow one of the parking stalls to be within the front setback and to allow both to be within five feet of the street per section 5.1.13.

<b>SR3 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	7,000 square feet	<b>4,600 square feet</b>	<b>No change</b>
Frontage	70 feet	<b>45 feet</b>	<b>No change</b>
Setbacks <ul style="list-style-type: none"> <li>• Front (Wade St)</li> <li>• Front (Hersey St)</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 25 feet 7.5 feet 7.5 feet	14.9 feet 14.7 feet 7.4 feet 41.3 feet	<b>14.7 feet</b> <b>14.8 feet</b> 7.6 feet 24.2 feet
Max Number of Stories	2.5	2	No change
Max Height	36 feet	23.58 feet	28.87
FAR	.48	.32	.47
Max Lot Coverage	30%	20.8%	26.9%
Min. Open Space	50%	72.8%	54.4%

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	Request to further extend nonconforming front setbacks	S.P. per §7.3.3
§5.1.7.A §5.1.13	Request to allow parking in the front setback and within five feet of a street	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N