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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: December 13, 2011

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning ET

Cc: Terrence P. Morris, attorney representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to allow the construction of four attached dwellings, waive the required side and rear setbacks and maximum permitted lot coverage, and waive the minimum parking stall dimensions**

RECEIVED
 Newton City Clerk
 2011 DEC 13 PM 5:11
 David A. Olson, CMC
 Newton, MA 02459

Applicant: Richard D. Sewall	
Site: 87-89 Waban Street	SBL: 12004 0027
Zoning: MR1	Lot Area: 20,082 square feet
Current use: Two-family dwelling	Proposed use: Four attached dwellings in two groups

Background:

The property at 87-89 Waban Street consists of a 20,082 square foot lot that is located in the MR1 zone containing a two-family dwelling and a detached garage. The applicant proposes to demolish the detached garage, reconfigure and add onto the existing two-family dwelling, and construct a new two-dwelling structure to create four attached dwellings in two groups. A previous Zoning Review was completed on September 14, 2011.

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

- Revised site plan, unsigned, unstamped, dated 12/4/11 showing the four units now separated into two structures
- Revised architectural plans, signed and stamped by Ronald F. Jarek, undated, showing the four units now separated into two structures
- Proposed site plan, signed and stamped by Frank Iebba, dated 11/17/11
- Existing site plan, signed and stamped by Frank Iebba, dated 5/25/11
- Architectural plans, signed and stamped by Ronald F. Jarek, undated, showing first floor plans and elevations for the proposed construction

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to renovate an existing two-family dwelling and construct a new structure behind the existing house in an "L" shape to create four attached dwellings. Per the requirements of Section 30-9(b)(5), the applicant must obtain a special permit from the Board of Aldermen to allow the proposed use.
2. The property is in the MR1 zone and must comply with the dimensional standards of Section 30-15, Table 1, (see chart below).

MR1 Zone	Required/Allowed*	Existing	Proposed
Lot Size	15,000 square feet	20,082 square feet	No change
Lot Area per Unit	4,000 square feet	n/a	5,020 square feet
Frontage	80 feet	116 feet	No change
Setbacks			
• Front	25 feet	27.2 feet	No change
• Side (Left)	25 feet	14.4 feet	No change
• Side (Right)	25 feet	54.9 feet	11 feet (11.9)
• Rear	25 feet	63.0 feet	16.4 feet
Building Height	36 feet	28 feet	32 feet (31.4)
Maximum Stories	2.5	2.5	No change
Max. Lot Coverage	25%	14%	28.8% (29)
Min. Open Space	50%	74%	51%

*The proposed attached dwellings use has higher dimensional requirements than for the existing two-family dwelling use.

3. The proposed site plan shows structures that do not conform to the dimensional requirements of Section 30-15, Table 1. Section 30-9(b)(5)b) allows the Board of Aldermen to grant exceptions to the dimensional controls in Section 30-15.
4. Per Section 30-9(b)(5)a), no driveway shall be located within ten feet of a side or rear lot line. The applicant must obtain a special permit from the Board of Aldermen to waive this requirement per Section 30-9(b)(5)a). *(Pre-existing condition the applicant need not apply for relief)*
5. Per Section 30-19(d)(2), the parking requirement for attached dwellings is two stalls per dwelling unit. For four dwelling units, a total of eight parking stalls would be required. The applicant's site plan shows a total of eight parking stalls, satisfying this requirement. As the parking stalls are located within separate attached garages dedicated to each dwelling, they do not qualify as a single parking facility.
6. Per Section 30-19(g)(2), a required parking stall must be 9 feet by 19 feet for angled parking. The applicant's plans show some parking stalls which measure only 9 feet by 18 feet. In order to construct the parking facilities as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-19(m).
7. The site is currently improved with a two-family dwelling. The applicant proposes to add two additional dwelling units by special permit for a total of four dwellings. This increase does not trigger the inclusionary housing provisions of Section 30-24(f), which would apply to a residential

project allowed by special permit that increases the number of existing units by more than two, per Section 30-24(f)(2).

8. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Use</i>	<i>Action Required</i>
§30-9(b)(5)	Allow four attached dwellings in two buildings	S.P. per §30-24
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§30-15, Table 1; §30-9(b)(5)b	Allow side setbacks of ^{11.4} 21 feet and 14.4 feet and rear setback of 16.4 feet where 25 feet is required	S.P. per §30-24
§30-15, Table 1; §30-9(b)(5)b	Allow a lot coverage of ^{28.8%} 25% where 25% is allowed	S.P. per §30-24
§30-9(b)(5)a); §30-9(b)(5)b)	Allow a driveway closer than 10 feet from the side lot line	S.P. per §30-24
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(g)(2); §30-19(m)	Allow parking stalls which measure 9 feet by 18 feet where 9 feet by 19 feet is required	S.P. per §30-24