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ZONING REVIEW MEMORANDUM

Date: June 9, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terrence P. Morris, Attorney
Michael Lundberg, Nicore Construction Corp., Applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to construct four (4) single-family attached dwellings and to amend Board Order #40-07

Applicant: Nicore Construction Group	
Site: 5-7 Elm Street/114 River Street	SBL: 33023 0009 and 33023 0015
Zoning: MR-2/BU-1	Lot Area: 19,483 sf and 6,837 sf (26,290 sf total)
Current use: Two-family residence/vacant lot	Proposed use: Four attached dwellings

BACKGROUND:

The proposed project merges two adjacent lots; a 19,483 square foot lot at 5-7 Elm Street in the MR2 district, and 114 River Street, a 6,837 square foot lot in the BU1 zoning district. The property at 5-7 Elm Street contains an existing two-family dwelling, which is proposed to be razed. The lot at 114 River Street was used as a small grocery store from the 1920's through most of the 20th century until a fire destroyed the building. The parcel is currently vacant. The applicant proposes to rezone the parcel at 114 River Street to MR2 and merge it with the adjacent parcel at 5-7 Elm Street. Once rezoned, the applicant proposes two new two-unit attached dwellings each with their own two-car attached garage on the combined lot.

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

- Zoning Review Application, prepared by Terrence Morris, Attorney, submitted 4/23/2014
- Schematic Plot Plan, prepared by Space Craft Architecture, Inc., dated 4/16/2014

ADMINISTRATIVE DETERMINATIONS:

1. The parcel at 5-7 Elm Street is located in the Multi-Residence 2 zoning district, and the adjacent parcel at 114 River Street is zoned Business Use 1. The applicant proposes to have the BU1 parcel rezoned to MR2 for the purposes of merging the two lots for the single use of attached single-family dwellings. For the purposes of this memo, the following determinations will be based on the merger and rezoning of the BU1 parcel to MR2.

2. The property will be located in the MR2 zoning district in its entirety. The applicant is proposing four single-family attached dwelling units on a 26,320 square foot lot. Section 30-9(b)(5) of the Newton Zoning Ordinance allows single-family attached dwellings in one or more groups provided that the applicant obtains a special permit from the Board of Aldermen.

3. The petitioner proposes to have residents gain access to the property via an existing driveway on the abutting property at 9-13 Elm Street, the site of a previously approved and constructed attached dwelling project owned by the petitioner. As a result, the approved Site Plan/Landscape Plan for the 9-13 Elm Street special permit Board Order #40-07 and any appropriate conditions will need to be amended to accommodate the shared driveway access.

4. Because the dwellings will be served by a driveway on the adjacent parcel, the driveways into the attached garages will be within ten feet of the property line. Per section 30-9(b)(5)(a), a driveway may not be within ten feet of a property line without a special permit per section 30-9(b)(5)(b).

Zone MR2	Required	Existing	Proposed
Lot Size	15,000 square feet	26,290 square feet	No change
Lot area per unit	4,000 square feet		6,572 square feet
Frontage	80 feet	185 feet	No change
Setbacks			
• Front	25 feet	17.5 feet	26 feet
• Side	25 feet	25.1 feet	26 feet
• Rear	25 feet	186 feet	26 feet
Building Height	36 feet	25.1 feet	<36 feet
Max number of stories	2.5	2.5	2.5
Max building lot coverage	25%	5.8%	25%
Min amount of open space	50%	86.1%	62%
Parking stalls/dwelling units	8 spaces (2 per unit)		8

5. See “Zoning Relief Summary” below:

Zoning Relief Required

Ordinance		Action Required
	Rezone 114 River Street from BU1 to MR2	
	Amend Board Order #40-07 Site Plan/Landscape Plan	
§30-9(b)(5)(a)	Allow single-family attached dwellings	S.P. per §30-24
§30-15(b)(5)(a) §30-15(b)(5)(b)	Locate driveway within 10 feet of a side lot line	S.P. per §30-24