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## ZONING REVIEW MEMORANDUM

Date: February 8, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Eve Tapper, Chief Planner for Current Planning

ET

Cc: G. Michael Peirce, Attorney  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to construct four (4) single-family attached dwellings (two groups of two).**

Applicant: Stephan Edsall	
Site: 288 Nevada Street	SBL: 14008 0011
Zoning: MR-1	Lot Area: 50,227
Current use: Two-family residence	Proposed use: Four attached dwellings

### BACKGROUND:

The property at 288 Nevada Street consists of a lot totaling 50,227 square feet improved with an existing two-family dwelling constructed in 1890, which is in disrepair. The applicant proposes to demolish the existing structure and to construct four attached dwellings in two sets of two.

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

- Zoning Review Application, prepared by G. Michael Peirce, Attorney, submitted 1/22/13
- Zoning Analysis, prepared by G. Michael Peirce, Attorney, submitted 1/22/13
- Order of Conditions, DEP #239-673, dated 1/4/13
- Application for Demolition Review, submitted by G. Michael Peirce, dated 7/11/12
- Flowage Easement agreement, City of Newton Board of Aldermen, dated 8/10/81
- Zoning Plan, signed and stamped by Verne T. Porter, Land Surveyor, dated 1/4/13
- Area plan of land, signed and stamped by Verne T. Porter, Land Surveyor, dated 1/4/13
- Topographic Site Plan, signed and stamped by Verne T. Porter, Land Surveyor, dated 1/4/13
- Detail Sheet, signed and stamped by Verne T. Porter, Land Surveyor, dated 1/4/13
- Architectural Plans and Elevations, created by Construction Design Services, dated 11/26/12
  - Concept Elevations (3)
  - Building Orientation

- Rear Unit Plan – Conceptual First Floor
- Rear Unit Plan – Conceptual Second Floor

#### **ADMINISTRATIVE DETERMINATIONS:**

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1. At the rear of the property is a bordering vegetated wetland regulated by the WPA, which is the remains of Silver Lake. An Order of Conditions submitted with the application gives approval for the overall construction on the lot, including a retaining wall between the buildings and the wetland area. Since a portion of the area to be re-graded and the retaining wall is located in an area designated “Flowage Easement”, the Order contains a condition that “No work shall take place within the flowage easement shown on the Plan of Record prior to such time as the Newton Board of Aldermen shall vote to abandon that portion of the easement, if it is determined the easement is of record.” The applicant needs to determine if the easement has been recorded, and if so, needs to seek abandonment of said easement by the Board of Aldermen.
2. The subject property is located in the MR-1 zoning district. The applicant is proposing four single-family attached dwelling units on a 50,277 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. Section 30-9(b)(5)(a) states that no driveway shall be located within ten (10) feet of the side or rear lot line. The applicant proposes to locate the driveway 6.5 feet from the south side lot line. To build the driveway as proposed, the applicant would need a special permit from the Board of Aldermen per Section 30-9(b)(5)(b).
4. Section 30-15, Table 1 requires 25 foot side setbacks. As proposed, the structures are 22.5 feet and 22.8 feet from the side lot lines. To construct the project as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-9(b)(5)(b).

<b>Zone MR-1</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	15,000 square feet	50,277 square feet	No change
Lot area per unit	4,000 square feet	25,138.5 square feet	12,556 square feet
Frontage	80 feet	125 feet	No change
Setbacks			
• Front	25 feet	NA as the existing structure will be demolished	28.2 feet
• Side (left)	25 feet		<b>22.8 feet</b>
• Side (right)	25 feet		<b>22.5 feet</b>
• Rear	25 feet		221.3 feet
FAR	NA		.25
Building Height	36 feet		31.56/34.42 feet
Max number of stories	2.5		2
Max building lot coverage	25%		14.3%
Min amount of open space	50%		78.8%
Parking stalls/dwelling units	8 spaces (2 per unit)		8

- 5. The existing two-family dwelling, built approximately in 1890, with changes in the 1920's and 1950's, is subject to Section 22-44, *Demolition Delay* provisions that apply to buildings over 50 years old. The Historical Commission reviewed the demolition application on July 26, 2012 and determined that the existing dwelling was "Preferably preserved" and placed a one-year demolition delay on the structure until July 26, 2013.
  
- 6. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<b>Ordinance</b>		<b>Action Required</b>
§30-9(b)(5)(a)	Allow single-family attached dwellings	S.P. per §30-24
§30-15, Table 1, §30-9(b)(5)(a) and §30-9(b)(5)(b)	Allow driveway to be located 6.5 feet from the side lot line	S.P. per §30-24
§30-15, Table 1, §30-9(b)(5)(b)	Allow a reduction in side yard setback for proposed structures	S.P. per §30-24
§30-23, §30-24(a)	Site Plan Approval	S.P. per §30-24