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James Freas  
Acting Director

**ZONING REVIEW MEMORANDUM**

Date: January 21, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Scott Cusick, Pitsick LLC  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to exceed maximum lot build factor**

Applicant: Pitsick, LLC	
Site: 22 and 26 Goddard Street	SBL: 83034 0013 and 83034 0012
Zoning: SR-3	Lot Area: 15,000 square feet
Current use: Two single-family dwellings	Proposed use: No change

**BACKGROUND:**

The properties at 22 and 26 Goddard Street, as well as the vacant parcel east of 22, were the subject of a recent ZBA decision. Each lot is 5,000 square feet with 50 feet of frontage, the minimum required by state statute. The owner of the parcels received building permits to rehab the existing single-family dwelling at 22 Goddard St, as well as permits to construct new single-family dwellings on the vacant lots on either side. Based on the outcome of *Mauri v. Newton Zoning Board of Appeals*, 2011 WL 9686649, 19 LCR 626, the ZBA determined that the vacant lots merged with the house lot (#22) for the purposes of zoning, and were required to meet the dimensional standards for "old lots". A house was constructed to almost completion on the lot known as 26 Goddard Street, while the lot on the other side of 22 Goddard Street remains vacant.

Goddard St		
<b>#26</b> (new dwelling) 5,000 sf 50 feet of frontage	<b>#22</b> (existing house) 5,000 sf 50 feet of frontage	<b>Vacant lot</b> 5,000 sf 50 feet of frontage

The applicant would like to legitimize the two existing structures and create two lots which conform to the required old lot dimensional standards. To achieve this, the lot lines will be redrawn. The Newton Zoning Ordinance has provisions which limit the degree to which a lot may have an irregular shape, known as the build factor. The higher the build factor, the more irregular the shape of the lot. The redrawing of the lot lines in this situation creates a build factor of 28.08 for the property at 26 Goddard Street. A special permit is required to create a lot with a build factor in excess of 20, the maximum allowed in the SR3 district.

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

- Zoning Review Application, prepared by Scott Cusick, Pitsick LLC, dated 12/10/2014
- FAR Worksheet, prepared by Scott Cusick, Pitsick LLC, dated 12/10/2014
- Subdivision Plan, signed and stamped by George C. Collins, surveyor, dated 11/4/2014

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicant would like to complete the dwelling at 26 Goddard Street, as the building permit was revoked after an appeal to the ZBA by abutters. To mitigate the cause for appeal, the applicant proposes to change the existing lot lines creating three 5,000 square foot lots, and to instead create two lots. The lot at 22 Goddard Street will have 8,000 square feet, and the lot at 26 Goddard Street will have 7,000 square feet, both conforming. To create these new lot lines with existing structures produces irregularly shaped lots, resulting in the lot at 26 Goddard Street to have a build factor of 28.08, which requires a special permit pursuant to Section 30-15(p).

<b>22 Goddard Street – Built in 1923</b>			
<b>SR3 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	7,000 square feet	<b>5,000 square feet</b>	8,000 square feet
Frontage	70 feet	<b>50 feet</b>	80 feet
Setbacks			
• Front	25 feet	<b>18 feet</b>	<b>No change</b>
• Side	7.5 feet	7.5 feet	No change
• Rear	15 feet	33 feet	15 feet
Lot Build Factor	Less than 20	.03	18.13
<b>26 Goddard Street – Under construction</b>			
Lot Size	7,000 square feet	<b>5,000 square feet</b>	7,000 square feet
Setbacks			
• Front	25 feet	25.7 feet	No change
• Side	7.5 feet	11.2 feet	No change
• Rear	15 feet	35 feet	No change
Lot Build Factor	Less than 20	.03	<b>28.08</b>

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§30-15(p)	To allow a lot build factor of 28.08	S.P. per §30-24