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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 18, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Steve Pitrowski, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

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

Applicant: Steve Pitrowski	
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 lots at 22 and 26 Goddard Street, as well as an unnumbered vacant lot east of 22 Goddard Street, each consist of 5,000 square feet of land with 50 feet of frontage, the minimum required by state statute. All three lots were purchased by Pitsick LLC. The existing house at 22 Goddard Street was renovated and sold by Pitsick LLC. During the construction of the single family dwellings at 26 Goddard Street and the unnumbered lot, Pitsick LLC was sued by several owners of property in the neighborhood. As a result of this litigation, Pitsick LLC, with the agreement of the owner of 22 Goddard Street, proposed the re-subdivision of the original three lots into two lots. The re-subdivision would create two irregularly shaped lots. The new lot at 26 Goddard Street would have a build factor higher than what is allowed by right, thereby necessitating a special permit.

The parties jointly applied for, and the City Council (then Board of Aldermen) granted, a special permit that divided the three lots into two larger lots that retained "old lot" dimensional standards. The special permit was never exercised and has since lapsed. Now, as a result of further litigation between the parties, Pitsick LLC has been ordered by the Middlesex Superior Court to re-apply for the original special permit that allowed the re-subdivision of the original three lots into two lots.

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 more irregular the shape of the lot, the higher the build factor. 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.

- Subdivision Plan, prepared by Boston Survey, Inc, surveyor, dated 9/19/2011, revised 9/28/2011, 11/11/2011, 1/30/2015

ADMINISTRATIVE DETERMINATIONS:

1. As noted above, the re-subdivision of the three lots, each with 5,000 square feet in area, into two larger lots results in a lot for 26 Goddard Street which exceeds the build factor per Section 1.5.6. 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 old lot standards. 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, exceeding the maximum of 20, requiring a special permit pursuant to Section 1.5.6.

22 Goddard Street – Built in 1923			
SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	5,000 square feet	8,000 square feet
Frontage	70 feet	50 feet	80 feet
Setbacks			
• Front	25 feet	18 feet	No change
• 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
26 Goddard Street			
Lot Size	7,000 square feet	5,000 square feet	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	28.08

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§1.5.6	To allow a lot build factor of 28.08	S.P. per §7.3.3

