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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: July 24, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Rhanna Kidwell, Cypress Development LLC
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to expand an existing nonconforming three-family dwelling

RECEIVED
NEWTON CITY
2013 AUG -2 PM
DAVID A. OLSON,
NEWTON, MA 02

Applicant: Cypress Development LLC	
Site: 43-45 High Street	SBL: 51008 0005
Zoning: MR-1	Lot Area: 25,618 square feet
Current use: Three-family dwelling	Proposed use: Expanded three-family dwelling

BACKGROUND:

The property at 43-45 High Street is improved with a legally nonconforming three-family dwelling, built circa 1880. Historic records indicate that the structure has been used as a three-family dwelling since as early as 1899. As the property is in the Newton Upper Falls Local Historic District, the proposed site plan and elevations have been approved by the Newton Upper Falls Historic District Commission. The Commission denied the applicant's original proposal, and required significant changes before approving the plans proposed in this memo.

The applicant proposes to expand the existing structure to increase the size of the individual units, while not increasing the total number of units. The applicant proposes to maintain the main structure, and to demolish the rear ell and rebuild a larger ell which will include a total of three units and associated parking garages. The applicant proposes to maintain the existing driveway, add three one-car garages and reconfigure existing surface parking for four cars. Per Section 30-21(a)(2)(a), a special permit is required to expand the structure's size, as it is a nonconforming use within the district.

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

- Zoning Review Application, prepared by Rhanna Kidwell, Cypress Development LLC, submitted 7/3/13
- Record of Action, Newton Upper Falls Historic District Commission, dated 6/17/13
- Zoning Plan, signed and stamped by Joseph Porter, Surveyor, dated 6/28/13

- Elevations, drawn by H. Bernal, Casa Sangiolo, dated 5/29/13

ADMINISTRATIVE DETERMINATIONS:

- The subject property is located in the MR-1 zoning district. The structure pre-dates zoning and is therefore a legally nonconforming use. To expand a nonconforming structure requires a special permit per Section 30-21(a)(2)(a).
- The plans show a proposed rear setback of 20.9 feet. Section 30-15 Table 1 requires a 15 foot rear setback for lots created prior to 1953. No relief is required.
- Section 30-19(g) prohibits parking within the setback. The four proposed parking spaces are within 6 feet of the side lot line and therefore require a waiver under §30-19(m).

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	15,000 square feet	25,618 square feet	No change
Frontage	80 feet	99.47 feet	No change
Setbacks			
• Front	25 feet	37.6 feet	No change
• Side	7.5 feet	31.7 feet on right 22.5 feet on right	No change No change
• Rear	15 feet	57.6 feet	20.9 feet
Building Height	36 feet	27.04 feet	28.95 feet
Lot Coverage	30%	9.5%	14.4%
Open Space	50%	75.9%	70.9%

- See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-21(a)(2)(a), §30-21(b)	Allow the expansion of a legal nonconforming three-family dwelling	S.P. per §30-24
§30-9(b)(5)a), §30-9(b)(5)b), §30-19(m)	Locate proposed parking 6 feet from the side lot line	S.P. per §30-24