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James Freas
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ZONING REVIEW MEMORANDUM

Date: March 28, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terrence Morris, Architect
Charles Cossaboom, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to modify an existing nonconforming two-family use and amend Special Permit Petition # 88702

Applicant: Charles Cossaboom	
Site: 17 Malvern Terrace	SBL: 41026 0017
Zoning: SR-3	Lot Area: 13,970 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 17 Malvern Terrace consists of a 13,970 square foot lot improved with a two-family residence constructed in 1885, a two-car garage constructed in 1937 and a small outbuilding. The dwelling was originally constructed as the camp building for the Wawbewawa Canoe Club as boat storage and a canoe launch. The structure was converted into a single-family residence by right sometime before 1924, and later converted into a two-family residence in 1946 by permission from the Board of Aldermen. The property is still used as two-family residence.

The dwelling is currently located approximately 19 feet from the Charles River. The applicant requests permission to raze the existing buildings and rebuild the dwelling away from the floodplain and closer to the street, so as to avoid further flood damage.

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

- Zoning Review Application, prepared by Terence P. Morris, submitted 2/9/2016

- Plan of Land – existing conditions, prepared by Edward M Brooks Co, dated 3/16/2016
- Plan of Land – proposed conditions, prepared by Edward M Brooks Co, dated 3/16/2016
- Board of Aldermen Decision Petition #88702, dated 6/24/1946
- Minutes of Public Hearing, Newton Historical Commission, dated 2/26/2015
- Site Plan and Architectural Plans, signed and stamped by Jay Walter, architect, dated 3/21/2016
 - First floor plan
 - Second floorplan
 - Basement plan
 - Framing plans
 - Elevations

ADMINISTRATIVE DETERMINATIONS:

1. Sometime before 1924, the structure was converted from a boat house to a single-family dwelling. A special permit Petition #88702 was granted in 1946 allowing for conversion to a two-family dwelling, as the property is located in a single residence district. To raze the existing nonconforming two-family dwelling and relocate it on the lot requires an amendment to special permit Petition #88702 to modify the approved plans.
2. The 1946 special permit granted permission for the two-family use, which is nonconforming in a single residence district. The applicant proposes to maintain the two-family use on the property, but to relocate and re-orient the structure so as to create a greater distance from the Charles River and minimize the flood risk. To modify an existing nonconforming use requires a special permit per Section 7.8.2.C.2.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	10,340 square feet	No change
Frontage	70 feet	102 feet	No change
Setbacks			
• Front	25 feet	48.6 feet	25 feet
• Side	7.5 feet	7.6 feet	10.6 feet
• Rear	15 feet	19 feet	+/- 65 feet
Building Height	36	27.1 feet	34 feet
Max Number of Stories	2.5	2.5	2.5
FAR	.41	.35	.41
Max Lot Coverage	30%	23.2%	22.5%
Min. Open Space	50%	72%	76%

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Petition #88702	S.P. per §7.3.3
§3.4.1 §7.8.2.C.2	Request to modify the existing nonconforming two-family use	S.P. per §7.3.3