



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 29, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Terrence P. Morris, Attorney
Joseph and Sheila Keegan, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to allow a rear-lot subdivision

Applicant: Joseph & Sheila Keegan	
Site: 41 Washington Street	SBL: 71029 0007
Zoning: SR3	Lot Area: 25,902 square feet
Current use: Two-family dwelling	Proposed use: Two single-family dwellings on two separate lots

BACKGROUND:

The property at 41 Washington Street consists of 25,902 square feet and is improved with a two-dwelling built in 1891 in the SR3 zoning district, originally as a single-family and converted into two units in 1925. The applicant proposes to subdivide the lot to create a 12,000 square foot rear lot intended for the construction of a single-family dwelling, while maintaining the existing structure on the front lot which will be converted back to a single-family dwelling.

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

- Zoning Review Application, prepared by Terrence Morris, Attorney, dated 7/28/2020
- Civil Plan Set, prepared by Everett M Brooks, surveyor, dated 7/16/2020, revised 7/23/2020
- Architectural Plans and Elevations, signed and stamped by Phillip H. Bakalchuk, architect, dated 7/24/2020
- FAR worksheet

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to create a rear lot subdivision per Sections 3.1.5 and 3.1.10. To subdivide the land as proposed, the applicant must obtain a special permit from the City Council per Section 3.1.10.A.
2. Section 3.1.10.B.1 requires that a 20-foot wide vehicular access, or access easement, be provided. The rear lot will be accessed by a 20-foot wide easement with a 14-foot wide paved street opening, which narrows to a 12-foot wide driveway to the rear lot.
3. Section 3.1.10.B.2 requires both the front and rear lots to meet the frontage requirements for new lots in the zoning district. The front lot has 107 feet of frontage, where 80 feet is required. The rear lot gains its frontage from the rear lot line of 41 Washington Street. The frontage for the rear lot is the width of the property, or 112.43 feet, which meets the requirements of the Ordinance.
4. The proposed dwelling on the rear lot is situated 30.2 feet from the rear lot line of the front lot (41 Washington Street), which meets the requirements of Section 3.1.10.B.3.a
5. The proposed structures meet the required rear and side setbacks set forth in Section 3.1.5.
6. The existing dwelling at 41 Washington Street has an existing nonconforming side setback of 4.8 feet on the northern property boundary, where 7.5 feet is currently required per section 3.1.3 for an old lot in the SR3 zoning district. The division of land renders the lot a “new lot”, which requires a side setback of 10 feet. A special permit per section 7.8.2.C.2 is required to allow for the extended nonconforming setback, although the structure will not be altered.
7. The proposed dwelling has a maximum height of 35.9 feet, where 36 feet is the maximum allowed. No relief is required for the proposed heights of the structures.
8. After the reduction in lot size, the existing single-family dwelling on the front lot will have an FAR of .37, where .39 is the maximum allowed for a 13,964 square foot lot. The dwelling on the rear lot will have an FAR of .24, where .24 is the maximum allowed. Neither structure requires FAR relief.

Front Lot (Lot 1) per Section 3.1.3

SR3 Zone	Required/Allowed	Proposed
Lot Size	10,000 square feet	13,964 square feet
Frontage	80 feet	107 feet
Setbacks		
• Front	25 feet*	26.5 feet
• Side	10 feet	4.8 feet
• Rear	15 feet	45 feet
FAR	.39	.37
Maximum Stories	2.5	2.5
Max. Lot Coverage	20%	16.4%
Min. Open Space	50%	62%

*Average front setback per section 1.5.3.B

Proposed Rear Lot (Lot 2), per Section 3.1.5

SR3 Zone	Required/Allowed	Proposed
Lot Size	12,000 square feet	12,000 square feet
Frontage	100 feet	121.37 feet
Vehicle Access	20 feet	20 feet
Setbacks		
• Front	30 feet	30.5 feet
• Side	23 feet	15.2 feet
• Rear	23 feet	23 feet
FAR	0.24	0.24
Building Height	36 feet	35.9 feet
Maximum Stories	2.5	2.5
Max. Lot Coverage	25%	18.7%
Min. Open Space	50%	69.5%

9. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.1.5 §3.1.10	Request to allow a rear lot subdivision	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to extend a nonconforming side setback	S.P. per §7.3.3