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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 27, 2021  
Land Use Action Date: July 13, 2021  
City Council Action Date: July 19, 2021  
90- Day Expiration Date: July 26, 2021

DATE: April 23, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

SUBJECT: **Petition #101-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, to allow reduced front and rear setbacks, to allow parking in the side setback and to allow a driveway within ten feet of the side lot line at 667 Boylston Street, Ward 6, Newton Centre, on land known as Section 52 Block 29 Lots 40 and 41 containing approximately 16,959 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



667 Boylston Street

### **EXECUTIVE SUMMARY**

The property at 667 Boylston Street consists of two lots in a Multi-Residence 1 (MR1) district totaling 16,959 square feet in area. One lot has 8,967 square feet and is improved with a single-family dwelling built in 1929 and a detached garage. The adjacent 8,000 square foot lot is commonly owned and unimproved. As the latter lot lacks adequate frontage and lot area to meet old lot dimensional standards, the lots are considered merged for the purposes of zoning.

The petitioner proposes to demolish the existing dwelling and garage and construct four single-family attached dwellings, two in each of two separate structures. Per section 3.4.1 of the Newton Zoning Ordinance (NZO), a special permit is required to construct attached single-family dwellings in a MR1 district.

A special permit would also be needed to grant relief to allow for other aspects of the proposed project. The proposed front setback of the front structure is 21.3 feet while the proposed rear setback of the rear structure is 12.5 feet. As section 3.2. of the NZO requires 25-foot setbacks for single-family attached dwellings, these proposed front and rear setback require a special permit.

The four dwelling units require eight parking stalls in aggregate. The petitioner proposes to provide one basement level one-car garage and an additional surface stall in front for each unit. As the proposed surface stalls would be located partially within the left (west) side setback, they would require a special permit per section 5.1.13.

All eight stalls would be accessed via a driveway also located along the left (west) property line. As it would be located approximately seven feet from that side lot line, it would require a special permit per section 6.2.3.B.2 of the NZO to allow a driveway within 10 feet of a side or rear lot line.

The Planning Department notes that while the project could diversify Newton's housing stock, there are some concerns regarding the proposal, including the functioning of the proposed driveway and parking facilities, and the adequacy and appropriateness of landscaping and screening.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

When reviewing this request, the Council should consider whether:

- The site in a Multi-Residence 1 (MR1) district is an appropriate location for the proposed four single-family attached dwellings in two structures as designed (§7.3.3.C.1);
- The proposed four single-family attached dwellings in two structures as designed will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed four single-family attached dwellings in two structures as designed will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)

- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);
- Granting exceptions to dimensional standards for front and rear setbacks is appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§3.2.4);
- Granting an exception to the provisions of §5.1.7.A that provide that no parking stall shall be located within any required setback distances from a street and side lot lines. Is appropriate as literal compliance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13);
- Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no driveway be located within 10 feet of a side or rear lot line is appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety or protection of environmental features.

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD:

### A. Neighborhood and Zoning

The neighborhood, which straddles Boylston Street (Route 9) is predominantly residential with a mix of single- and two- family dwellings as well as some open space parcels (**Attachment A**). The subject property and the immediate vicinity to the north and west are zoned Multi Residence 1 (MR1), with Single Residence 3 (SR3) districts located to the northeast and south across Boylston Street (**Attachment B**).

### B. Site

The subject property consists of two parcels totaling 16,959 square feet with a combined frontage of 120 feet located on the north side of Boylston Street. Improved with a 2 ½ story, single-family dwelling built circa 1929, the site is generally level with a downward grade of approximately five feet from the front right (southeast) to rear left (northwest) of the lot. The property is accessed via a driveway near the center of the combined lot. The remaining portions of the site feature lawn area, mature trees and shrubs in various states of maintenance and a detached garage to the rear of the dwelling.

III. PROJECT DESCRIPTION AND ANALYSIS:

A. Land Use

If approved, the use would change from a single-family dwelling to four attached single-family dwellings (two in each of two structures).

B. Building and Site Design

The petitioner is proposing to create four attached dwelling units, two within each of the two structures. The two structures would be separated from each other by approximately 8 feet. The sloped roofed structures would have 2 ½ stories and measure 31.85 feet in height, less than the maximum 36 feet allowed for single-family attached dwellings. The proposed lot area per unit is 4,240 square feet, more than the minimum 4,000 square feet required.

Regarding setbacks, single-family attached dwellings require 25-foot front, side and rear setbacks. While the left and right side setbacks exceed this requirement, at 37.5 feet and 31.4 feet, respectively, the proposed 21.3-foot front setback and the proposed 12.5-foot rear setback would require relief.

While the insufficient front setback is perhaps less concerning given its location along Boylston Street/Route 9, the rear setback is of concern given its proximity to adjoining residential properties. The Planning Department notes that much of the rear setback's deficiency can be seen as a product of separating the proposed development into two structures, with the separation imposing the reduced rear setback on adjacent properties. Given the size of the lot, and that the existing structure is not being maintained, it would appear that the petitioner could construct the proposed four units within that portion of the lot not within the required 25-foot setbacks. The Planning Department recommends that the petitioner explore such a possibility.

The site plan also indicates several retaining walls proposed for the perimeter of the property. One wall of just under four feet in some locations would be located along the right (east) boundary of the site, sections of wall with varying heights (all below the maximum four feet in height) would be constructed along the rear and left property lines. The Planning Department notes that all the walls are depicted as being located quite close to property boundary lines and suggests the petitioner consider moving them further into the parcel to allow for any construction and maintenance to avoid impacts on adjacent properties.

As proposed, open space on the lot would decrease from the existing 81% to 56.9% but remain above the required 50%. The property's lot coverage would be 24.9%, higher than the 9% that currently exists but less than the maximum 25% allowed.

Although the NZO does not establish floor area ratio (FAR) requirements for single family

attached dwellings, the petitioner has indicated that the project's FAR is 0.515. The Planning Department notes, for comparison, that this is more than the allowable FAR for single- and two- family structures on a similarly sized lot in an MR1 district which would be 0.46 with a possible bonus of 0.02 for new construction that complies with the "new lot" front, side and rear setback requirements of 30, 10 and 15 feet, respectively.

C. Parking and Circulation

The petitioners are proposing to provide eight parking spaces, two for each of the four dwellings. The stalls would be accessed by a driveway along the left (west) side of the property. As it would be located approximately 5 feet from that side lot line, less than required 10 feet, the driveway requires zoning relief.

The driveway would provide access to basement level, one-car garages for each of the dwelling unit. Although they are not depicted on the submitted site plan, one additional surface parking stall for each unit would likely be located in front of each of the garages, within paved areas measuring approximately 26 feet by 19 feet in front of each of the two structures. Portions of these areas are located within the left side setback, thus requiring a special permit to locate parking stalls within a required side setback.

The Planning Department notes that it is unclear how vehicles would access the basement level garages as the submitted site plan seemingly does not indicate topography/grades that would accommodate those moves. The petitioner should be prepared to address this issue at and/or in advance of the public hearing.

D. Landscaping

A landscape plan was submitted for this petition on the date of this memorandum. The Planning Department will review this plan and be prepared to comment on it at the forthcoming public hearing.

The Planning Department recommends that the petitioner provide information about any proposed lighting for the property as well as the location of HVAC and other possible mechanicals.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit per §7.3.3 to:

- To allow single-family attached dwellings (§3.4.1)
- To reduce required front and rear setbacks (§3.2.4)

- To allow parking in the side setback (§5.1.13, §5.1.7.A)
- To allow a driveway within 10 feet of the side lot line (§6.2.3.B.2)

B. Engineering Review

As of the date of this memorandum the Engineering Division has not been provided with materials required to provide an analysis of the proposal with regard to engineering issues.

C. Historic Preservation Review

On October 28, 2020, the Newton Historical Commission (NHC) found the existing house “not preferably preserved” and required no further review.

V. PETITIONER’S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

**ATTACHMENTS:**

- Attachment A:** Land Use Map  
**Attachment B:** Zoning Map  
**Attachment C:** Zoning Review Memorandum



# ATTACHMENT A





## Land Use

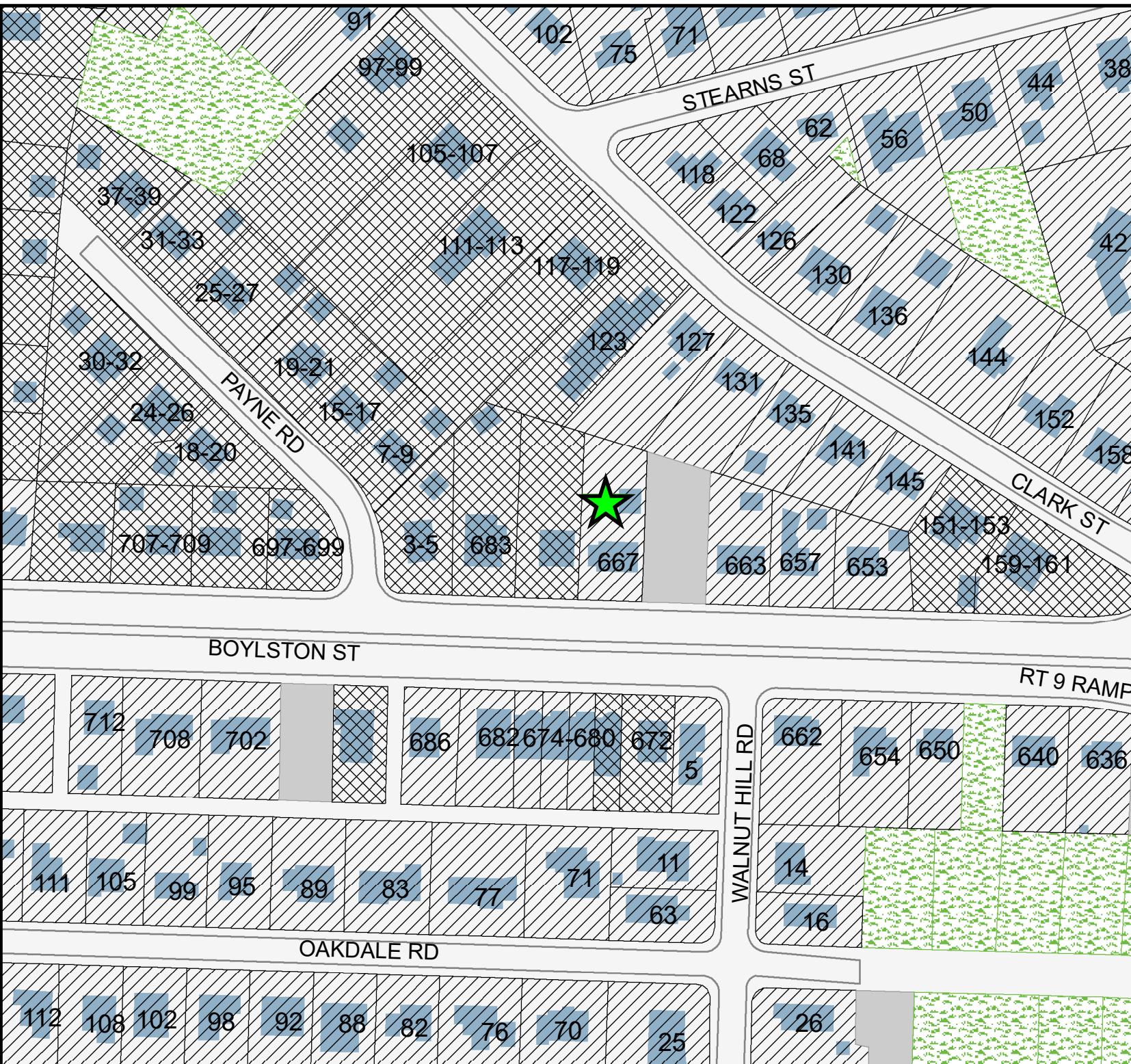
### 667 Boylston St.

*City of Newton,  
Massachusetts*

## Land Use

### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.525 50 75 100 125 150 175  
Feet

Map Date: April 20, 2021






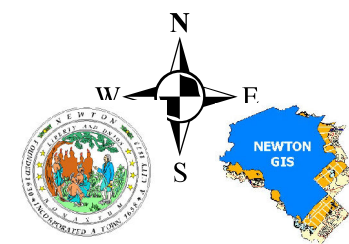
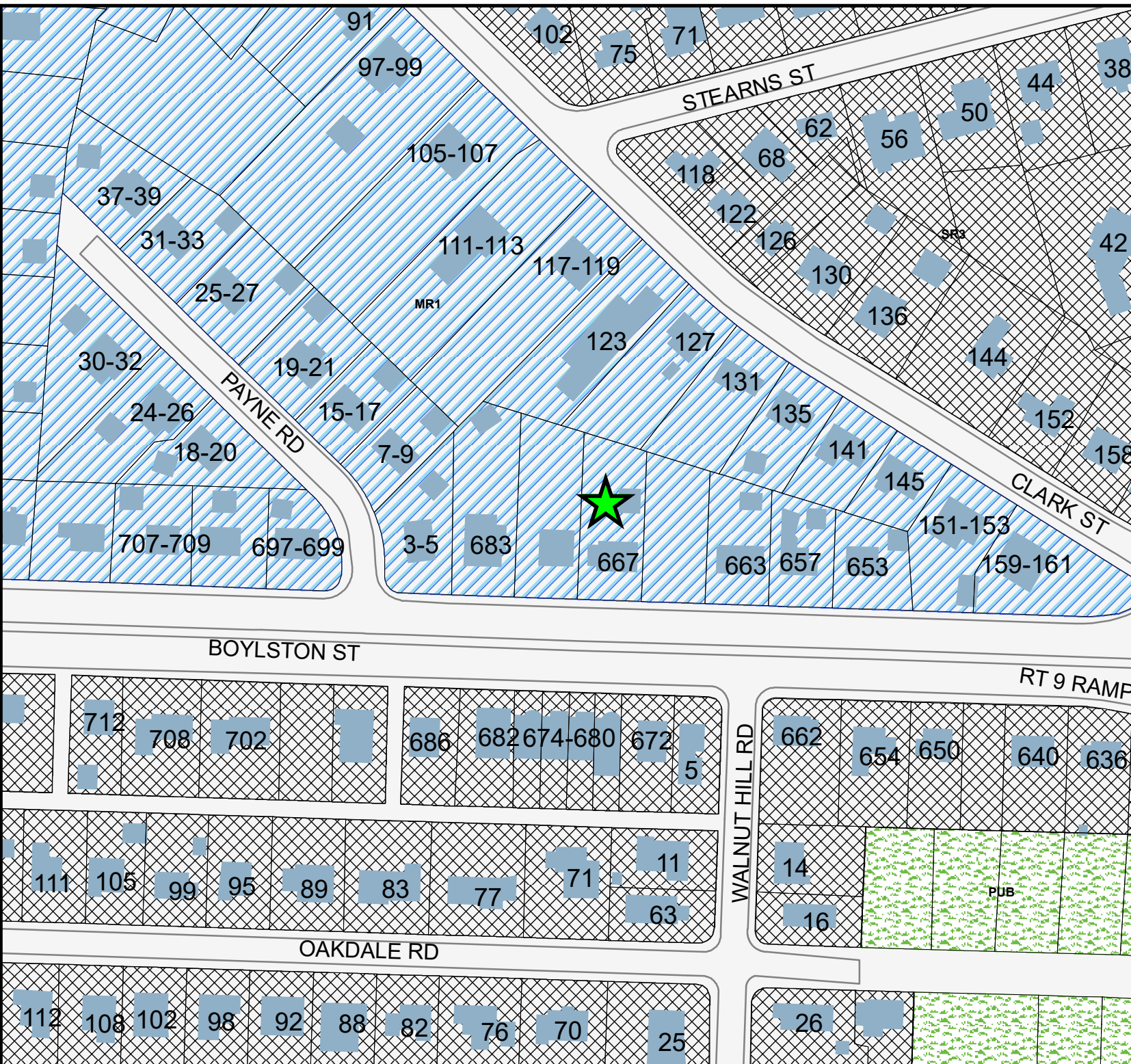
## Zoning

### 667 Boylston St.

*City of Newton,  
Massachusetts*

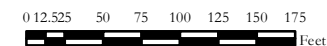
### Legend

-  Single Residence 3
-  Multi-Residence 1
-  Public Use



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Mayor

ATTACHMENT C

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**Barney S. Heath**  
Director

**ZONING REVIEW MEMORANDUM**

Date: March 9, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Tom Zou, Applicant  
Terrence P. Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to allow four single-family attached dwellings in two separate structures**

Applicant: Tom Zou	
Site: 667 Boylston Street	SBL: 52029 0041 and 52029 0040
Zoning: MR1	Lot Area: 16,959 square feet
Current use: Single-family dwelling	Proposed use: Four single-family attached dwellings

**BACKGROUND:**

The property at 667 Boylston Street consists of two lots with a total of 16,959 square feet. One lot has 8,967 square feet and is improved with a single-family dwelling built in 1929 and a detached garage. The adjacent lot is commonly owned and unimproved. As the vacant lot lacks adequate frontage and lot area to meet old lot dimensional standards, they are considered merged for the purposes of zoning. The petitioner propose to raze the dwelling and garage and construct four single-family attached dwellings in two separate structures.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, dated 1/14/2021
- Floor Plans and Elevations prepared by Scott Lewis, architect, dated 2/26/2021
- Civil Plan, prepared by Spruhan Engineering, surveyor, dated 1/14/2021, revised 3/8/2021

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to construct four single-family attached dwellings in two structures. Per section 3.4.1, a special permit is required to construct single-family attached dwellings in the MR1 district.
2. Section 3.2.4 requires a 25-foot setback for single-family attached dwellings. The proposed front setback is 21.3 feet for the front structure and the proposed rear setback is 12.5 feet for the rear structure. Section 3.2.4 allows the City Council to grant exceptions to the dimensional standards if it is determined that literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.
3. The petitioners propose to provide a one-car garage per each dwelling unit with an additional surface stall in front of it. Per section 5.1.7.A, no parking stall may be located within any required front or side setback. The proposed surface stalls are located in part within the side setback, requiring a special permit per section 5.1.13.
4. The petitioners propose to construct a driveway along the western property line to serve all four units which is 7.3 feet from the side lot line. Per section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line, requiring a waiver.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	16,959 square feet	No change
Frontage	80 feet	120 feet	No change
Setbacks			
• Front	25 feet	25 feet	<b>21.3 feet</b>
• Side	25 feet	<b>7.3 feet</b>	37.5 feet
• Side	25 feet	>60 feet	31.4 feet
• Rear	25 feet	>50 feet	<b>12.5 feet</b>
Building Height	36 feet	NA	31.85 feet
Max Number of Stories	2.5 (3 by special permit)	2.5	No change
Lot Coverage	25%	9%	24.9%
Open Space	50%	81%	56.9%
Lot Area Per Unit	4,000 square feet	16,959 square feet	4,240 square feet

See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§3.4.1	To allow single-family attached dwellings	S.P. per §7.3.3
§3.2.4	To reduce required front and rear setbacks	S.P. per §7.3.3
§5.1.7.A §5.1.13	To allow parking in the side setback	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line	S.P. per §7.3.3