



Ruthanne Fuller
Mayor

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#262-21

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

| | |
|---------------------------|------------------|
| Public Hearing Date: | August 10, 2021 |
| Land Use Action Date: | October 26, 2021 |
| City Council Action Date: | November 1, 2021 |
| 90-Day Expiration Date: | November 8, 2021 |

DATE: August 6, 2021

TO: City Council

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

SUBJECT: **Petition #262-21** for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a ground floor single residential use in the existing dwelling at **1295 Boylston Street**, Ward 5, Newton Upper Falls, on land known as Section 55 Block 54 Lot 15, containing approximately 2,452 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1 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.



1295 Boylston Street

EXECUTIVE SUMMARY

The subject site located on the north side of Boylston Street between Chestnut Street and Quinobequin Road consists of a 2,452 square foot corner lot in a Business 2 (BU2) zoning district improved with a 250 square foot single-family dwelling with surface parking.

According to Inspectional Services Department (ISD) records the building was permitted for an office use in 1968. The structure was converted into single-family residential without the benefit of appropriate permitting at some point in the 1980s and has been used as such since.

The petitioner seeks a special permit, as required by Section 4.4.1 of the Newton Zoning Ordinance, to allow a ground floor residential use in a BU2 district.

The Planning Department is generally not concerned with the petition as it contemplates the continued existence of a ground floor residential use where it has existed for several decades and is consistent with the surrounding neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site in BU2 zoning district is an appropriate location for the existing single-family dwelling (§7.3.3.C.1)
- The existing single family will adversely affect the neighborhood (§7.3.3.C.2)
- The existing single family 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)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the northwest corner of Boylston and Chestnut streets. The site is developed with a 250 square foot single-family dwelling, the use of which is consistent with other properties on the west side of Chestnut Street, with two-family dwellings being more common to the east and south and parkland located to the west along the Charles River (**Attachment A**). These uses are largely consistent with the zoning for the area with exceptions including the subject parcel and that located directly to the east across Chestnut Street, both of which are zoned Business 2 (BU2) (**Attachment B**).

B. Site

The subject site consists of a 2,452 square foot rectangular corner lot improved with a 250 square foot single-family dwelling with surface parking. The parcels slopes slightly downward about four feet from east to west. Vehicular access is provided by a curb cut off Boylston Street that serves a small parking area located in the western portion of the lot. The parcel also features mature vegetation including trees and shrubs, as well as lawn and paved areas. A

Wooden fencing screens the parking area as well as the north boundary of the property.

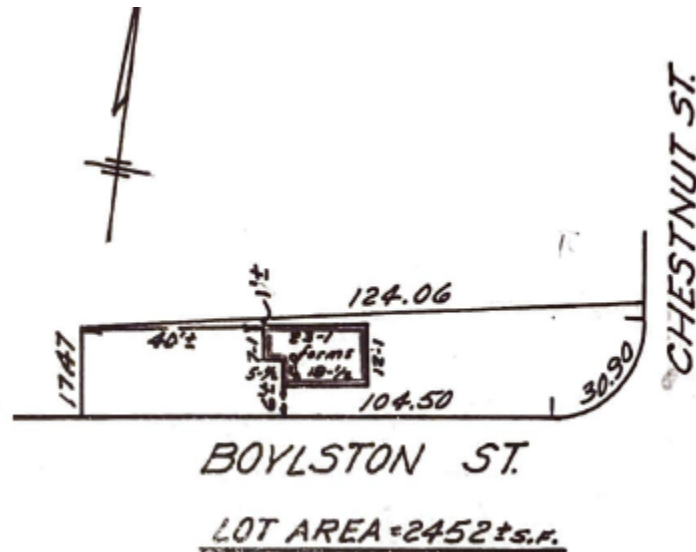
III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a single-family residence as it has been used since the 1980s.

B. Building and Site Design

The petitioner is not proposing any changes to the existing 250 square foot single family dwelling.



C. Parking and Circulation

The petitioner is not proposing any changes to the existing parking area.

D. Landscaping

The petitioner is not proposing any changes to the existing landscaping.

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 the following relief:

- Special Permit per §7.3.3 to allow ground-floor residential use (4.4.1)

B. Engineering Review

Review by the Engineering Division is not required at this time.

C. Historic Review

Review by the Newton Historic Commission is not required.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

Attachment A: Land Use Map

Attachment B: Zoning Map

Attachment C: Zoning Review Memorandum

ATTACHMENT A







Land Use

1295 Boylston St.

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land

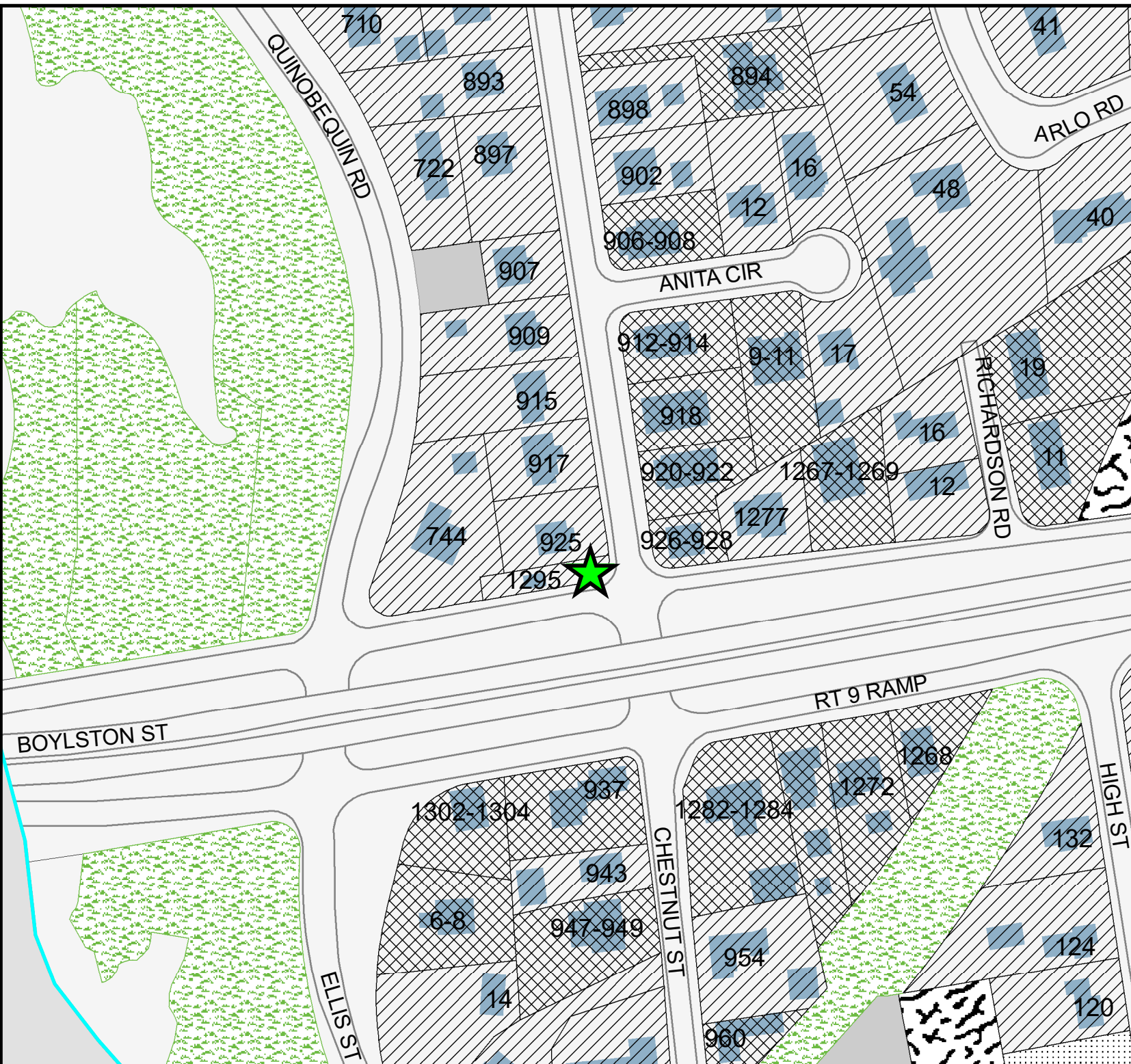


The information on this map is Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based 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: August 04, 2021



ATTACHMENT C



Ruthanne Fuller
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Director

ZONING REVIEW MEMORANDUM

Date: May 25, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Guy Campagnone, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow a ground floor residential use

| Applicant: Guy Campagnone | |
|-------------------------------------|-----------------------------|
| Site: 1295 Boylston Street | SBL: 55054 0015 |
| Zoning: BU2 | Lot Area: 2,452 square feet |
| Current use: Single-family dwelling | Proposed use: No change |

BACKGROUND:

The subject site consists of a 2,452 square foot lot improved with a 250 square foot single-family dwelling built in 1970 with surface parking located on Boylston Street between Chestnut Street and Quinobequin Road. The petitioner seeks a special permit to legitimize the single-family use in the Business district.

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

- Zoning Review Application, prepared by Guy Campagnone, Applicant, dated 4/26/2021
- FAR worksheet, submitted 4/26/2021

ADMINISTRATIVE DETERMINATIONS:

1. The property is located in the Business 2 zone and is used as a single-family dwelling. Documents available in Inspectional Services indicate the building was permitted for an office use in 1968. At some point in the 1980s, the office was converted into a single-family dwelling without permitting and has been used as such since that time. Per section 4.4.1, a special permit is required to allow residential uses on the ground floor in a Business 2 zoning district. The petitioner seeks a special permit to allow the residential use on the ground floor in the Business 2 zone to legalize the single-family dwelling use.

See "Zoning Relief Summary" below:

| Zoning Relief Required | | |
|-------------------------------|---|------------------------|
| <i>Ordinance</i> | | <i>Action Required</i> |
| §4.4.1 | Request to allow ground-floor residential use | S.P. per §7.3.3 |