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Mayor

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**#333-21**

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Barney S. Heath  
Director

## PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 28, 2021  
Land Use Action Date: September 22, 2020  
City Council Action Date: December 20, 2021  
90- Day Expiration Date: December 28, 2021

DATE: September 24, 2021

TO: City Council

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

SUBJECT: **Petition #333-21** for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing single-family dwelling unit and carriage house into two, two-unit single-family attached dwelling units, to reduce require side and rear setbacks, to allow a driveway within 10' of the side lot line and parking within 20' of a boundary, to waive two parking stalls and to allow reduced parking stall width and depth at **34 Prescott Street**, Ward 2, Newtonville, on land known as Section 23 Block 12 Lot 04, containing approximately 19,432 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.1.4, 5.1.13, 5.1.7.B.1, 5.1.7.B.2 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.



**34 Prescott Street**

## EXECUTIVE SUMMARY

The property at 34 Prescott Street consists of a 19,432 square foot irregularly shaped corner lot in a Multi Residence 1 (MR1) district. It is improved with an approx. 7,000 square foot, 2 ½ story, single-family dwelling constructed circa 1890 and a 1,048 square foot, 2 story detached carriage house.

The petitioner does not propose changes to the existing structures' building envelopes or footprints but, rather, to convert the existing single-family dwelling and carriage house each into two-unit attached dwellings. This would create, per the Newton Zoning Ordinance (NZO), four single-family attached dwellings in two structures, requiring a special permit per Sec. 3.4.1. As designed, the proposed project requires certain additional zoning relief.

Section 3.2.4 of the NZO requires 25-foot setbacks for attached single-family dwellings. The petitioners intend to maintain the existing single-family dwelling at its current location and reconfigure the interior floor plan to accommodate two units. The existing structure does not meet the 25-foot setback requirement with a 21-foot front setback and a 21.97-foot rear setback. Similarly, the petitioner intends to remodel, and not relocate or expand, the carriage house, which is located in the rear section of the irregularly shaped lot, to accommodate two units. While it meets setback requirements for its current use as a detached accessory structure, it is deficient on three sides for its proposed use as an attached single-family dwelling, with the smallest setback being as little as 5 feet. As such, to be used as single-family attached dwellings both structures would need a special permit per Sec. 3.2.4 which allows the City Council to grant exceptions to the dimensional standards of that section.

The petitioners propose to utilize and extend the existing driveway which is located less than 10 feet from the western property line to serve all four units. As no driveway may be located within 10 feet of a side or rear lot line per section 6.2.3.B.2, an exception to this requirement is needed. Per this same section, no parking may be located within 20 feet of a boundary line. As several of the proposed parking stalls are located within 20 feet of a lot line, another waiver per Sec. 6.2.3.B.2 is required.

As two parking stalls are required per each dwelling unit per Sec. 5.1.4, the four proposed units require eight stalls. The petitioner proposes to construct only six parking stalls: four for use by the two units proposed in the existing dwelling, but only two stalls for the two units that would be located in the carriage house, two fewer than are required. As such, the petitioner requires a special permit to waive two parking stalls per Sec. 5.1.13.

Lastly, Secs. 5.1.7.B.1 and 5.1.7.B.2 require, respectively, that parking stalls have a minimum 9-foot widths and 19-foot depths. As the petitioners propose two 8.5 foot wide, 18-foot-deep parking stalls at the rear of the front dwelling structure, a special permit per Sec. 5.1.13 is required for those stalls.

The Planning Department is generally supportive of the reuse of historic carriage houses such as the one on the subject parcel. That said, the Department does have some concerns about the intensity of the proposed use of and the carriage house's proximity to nearby dwellings and properties.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- the site in a Multi Residence 1 zoning 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)
- literal compliance with requirements not allowing the location of a driveway within 10 feet of the side lot line and/or parking within 20 feet of a boundary 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; §6.2.3.B.2)
- literal compliance with certain requirements pertaining to parking stall widths and depths (§5.1.7.B.1; §5.1.7.B.2); and the number of required parking stalls (§5.1.4), 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)

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The subject property is located on the northwest corner of Prescott Street and Central Avenue. The surrounding neighborhood is predominately a mix of single-, two- family dwellings and open space (**Attachment A**). The site and surrounding area are zoned Multi-Residence 1 (MU1) with the nearby open space zoned Public Use (PU) (**Attachment B**).

### B. Site

The property consists of a 19,432 square foot irregularly shaped corner lot improved with an approx. 7,000 square foot, 2 ½ story, single-family dwelling and a 1,048 square foot, 2 story detached carriage house. The site is generally level, with an approx. two-foot upward grade toward the rear.

The lot accessed via a paved driveway along the western property line that extends to the rear portion of the property. The remaining portions of the site feature mature lawn area, trees and shrubs.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The principal use of the site would change from a single-family dwelling to four single-family attached dwellings in two structures.

### B. Building and Site Design

The petitioners are proposing to adapt and restore the existing single-family dwelling into two single-family attached dwellings and to do the same to the historic carriage house resulting in the creation of four single-family attached dwellings in two structures. The units would have a range of sizes, with the two units in the main house each measuring approximately 2,300 square feet and those in the carriage house measuring 1,180 and 760 square feet. As the number of units on site would increase from one to four, the lot area per unit would decrease from 19,432 (the lot's size) to 4,858 square feet.



Site plan

No changes are proposed to the structures' building footprints or envelopes and, therefore, their physical dimensions would not change. That said, as the uses of the structures would change from a single-family dwelling and an accessory structure to attached single family dwelling, they would become subject to the dimensional requirement for that proposed use.

The main structure's front and rear setbacks of 21 and 21.97 feet respectively, would be less

than the required 25 feet (its 29.7-foot side setback would be conforming). Regarding the carriage house, its three setbacks (all of which are considered rear setbacks) of 6.9, 5 and 10 feet would all be significantly less than the 25 feet required for attached single family dwellings.

The Planning Department notes that while the structures are not being expanded, the creation of the three additional dwelling units would represent a significant change in the use of and activity on this irregularly shaped parcel. This would be especially true in the rear portion where two units would be created where currently none exist and they would be in relatively close proximity to abutting properties, especially considering the request to reduce setbacks.

C. Parking and Circulation

The petitioners propose to provide six parking stalls for the four units. The two units in the main house would have two stalls (these four would have pervious paver surfaces) while the two units in the carriage house would have one paved stall each. As two parking stalls are required per each dwelling unit, the project is deficient two stalls, requiring a two-stall waiver.

As detailed in the attached zoning memorandum, per the NZO no driveway may be located within 10 feet of a side or rear lot line and no parking may be located within 20 feet of a boundary line. As proposed, all six stalls would be accessed via the existing curb cut and driveway on the western side of the property which would be extended to the carriage house. The driveway is and would continue to be located less than 10 feet from western property line, and several of the proposed parking stalls would be located within 20 feet of one or more lot lines. These conditions are largely the product of both the planned continued use of the existing driveway and configuration of the lot which features a narrow neck that connects the area of the lot at the corner of Prescott Street and Central Avenue lot line.

Lastly, Secs. 5.1.7.B.1 and 5.1.7.B.2 require, respectively, that parking stalls have a minimum 9-foot widths and 19-foot depths. Two 8.5 foot wide, 18-foot-deep parking stalls are proposed for the rear of the front dwelling structure. These are setback considerably (approximately 18 feet) from the driveway so it is unclear why these spaces are necessarily considered only 18 feet deep. The Planning Department suggests the petitioner reconfiguring these stalls and their approaches to eliminate the need for that relief and, also, to increase those stalls' distance from that dwelling.

D. Landscaping

The petitioner provided a landscape plan with this petition. The plan includes the retention of existing trees, including several located in the property's two frontages and the proposed installation of nine deciduous and 27 evergreen trees. As shown, the plan proposes vegetation along sections of the periphery of the irregularly shaped rear portion of the lot where the carriage house is located as well as along the northern property line. The Planning Department suggests that the petitioner provide appropriate screening for the parking areas adjacent to the carriage house and the rear of the main dwelling.

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 single-family attached dwellings (§3.4.1)
- reduce required side and rear setbacks (§3.2.4)
- allow a driveway within 10 feet of the side lot line and parking within 20 feet of a boundary (§6.2.3.B.2)
- waive two parking stalls (§5.1.4; §5.1.13)
- allow for a reduced parking stall width (§5.1.7.B.1; §5.1.13)
- allow for a reduced parking stall depth (§5.1.7.B.2; §5.1.13)

B. Engineering Review

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

C. Historic Review

On September 6, 2021, the Newtonville Historic District Commission granted a Certificate of Appropriateness for the proposed hardscaping plan including the two permeable concrete paver parking areas.

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

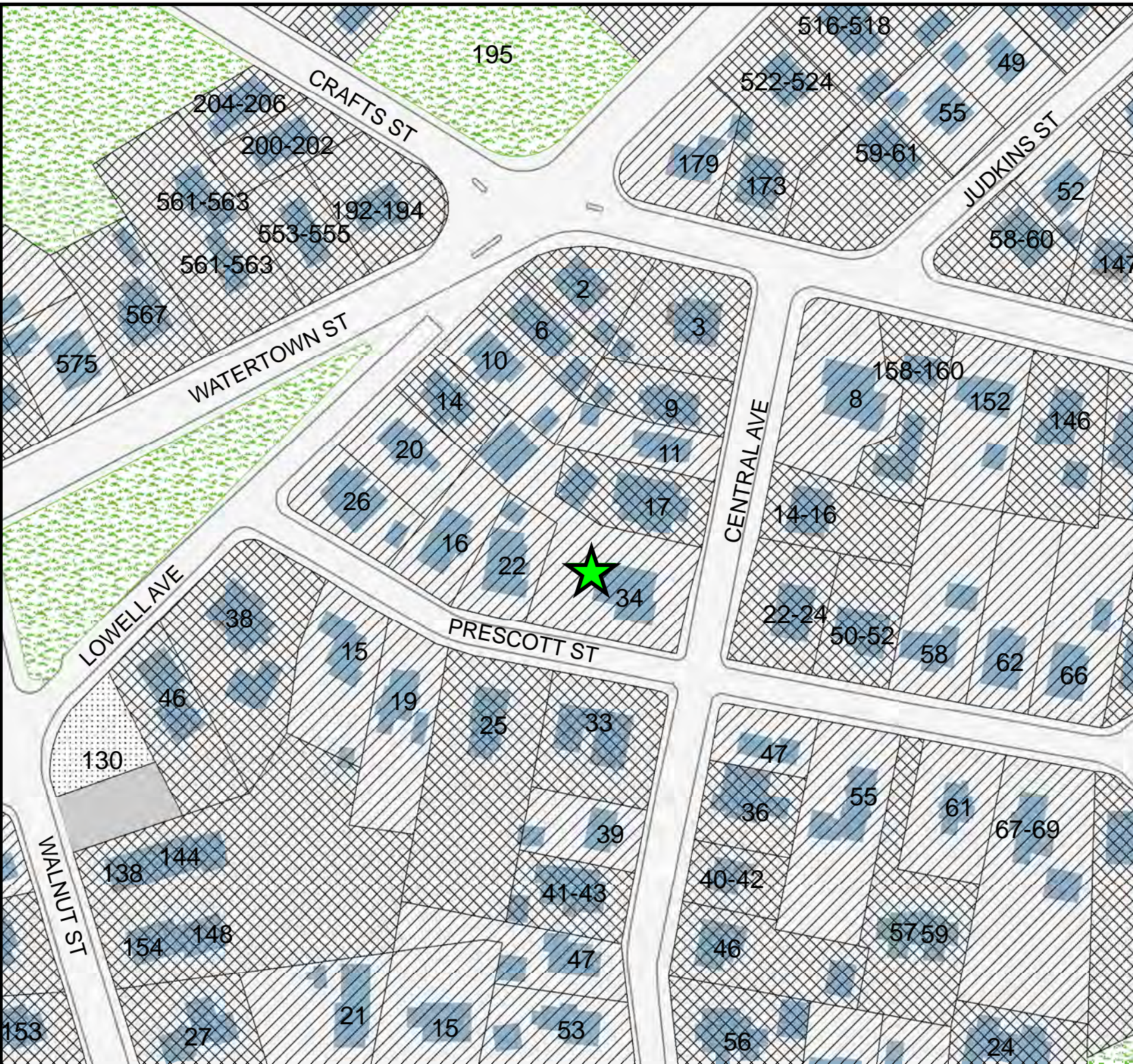


# ATTACHMENT A

## Land Use






### 34 Prescott St.

City of Newton,  
Massachusetts



## Land Use

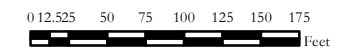
### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Open Space
-  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



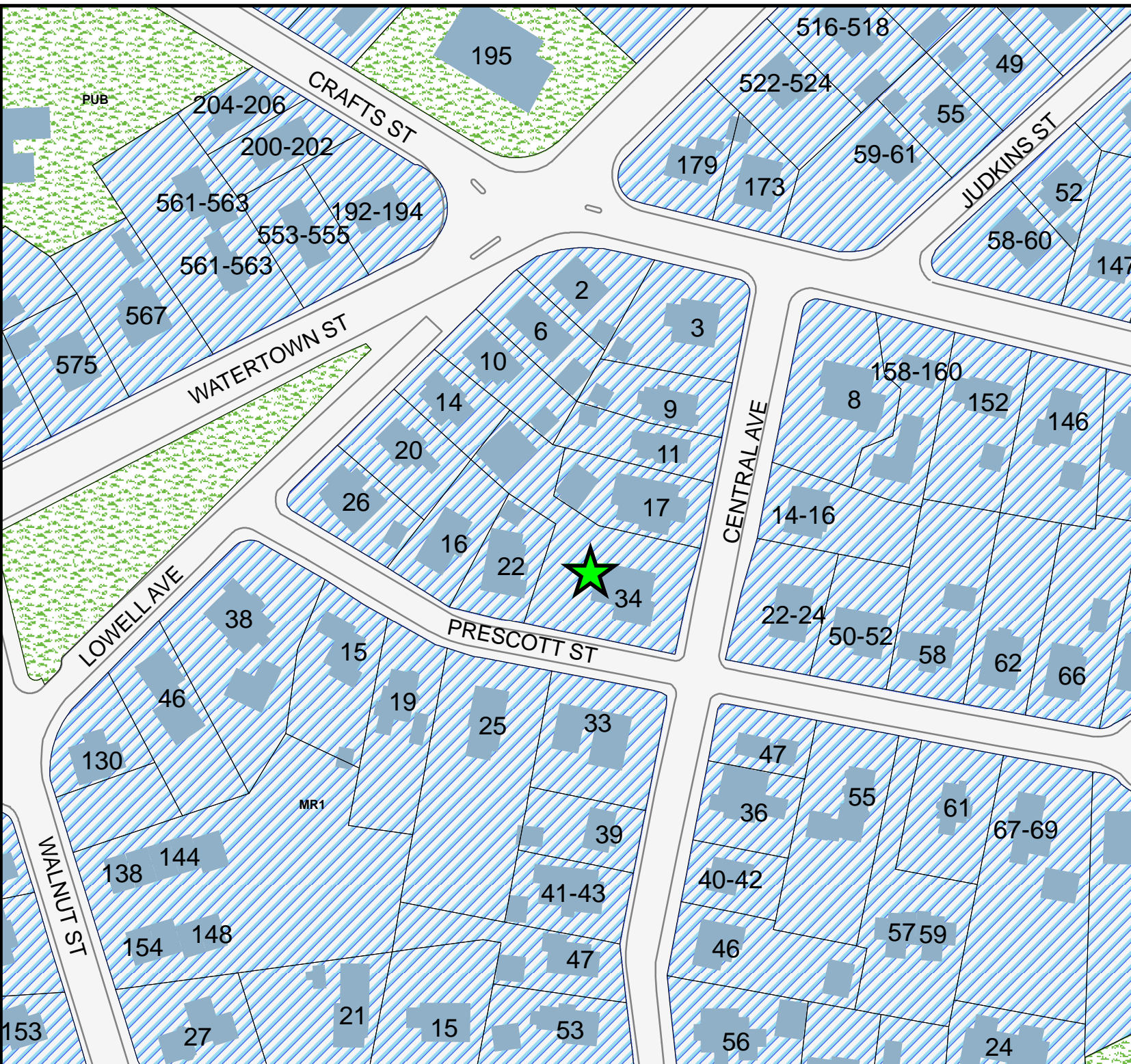




# ATTACHMENT B

## Zoning

**34 Prescott St.**

*City of Newton,  
Massachusetts*

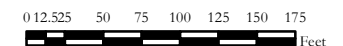


-  Multi-Residence 1
-  Public Use



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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
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Map Date: September 23, 2021



# ATTACHMENT C



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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: August 2, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Whiteacre Properties LLC, Applicant  
Terrence P. Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Acting City Solicitor

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

Applicant: Whiteacre Properties LLC	
Site: 34 Prescott Street	SBL: 23012 0004
Zoning: MR1	Lot Area: 19,432 square feet
Current use: Single-family dwelling and carriage	Proposed use: Four single-family attached dwellings in two structures

### BACKGROUND:

The property at 34 Prescott Street consists of a 19,432 square foot lot improved with a single-family dwelling constructed circa 1890 and a detached carriage house. The petitioner proposes to convert the both the existing single-family dwelling and carriage house into 2 two-unit attached dwellings, for a total of four units.

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

- Zoning Review Application, prepared by Terrence Morris, attorney, submitted 2/8/2021, revised 5/29/2021
- FAR Worksheet, submitted 2/8/2021
- Existing Conditions Plan, signed and stamped by David Philip Terenzoni, surveyor, dated 9/13/2020, revised 10/22/2021, 1/13/2021
- Plot Plan, signed and stamped by David Philip Terenzoni, dated 2/4/2021, revised 7/30/2021
- Civil Site Plan, signed and stamped by Peter Gammie, Engineer, dated 7/30/2021

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioners propose to construct four single-family attached dwellings in two structures in the Multi Residence 1 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR1 district.
2. Section 3.2.4 requires a 25-foot setback for attached dwellings. The petitioners intend to preserve the existing historically significant single-family dwelling and reconfigure the interior floor plan to accommodate two units. The existing structure does not meet the 25-foot setback requirement with a 21-foot front setback and a 21.97-foot rear setback. The petitioner intends to remodel the carriage house to accommodate two units with no changes to the footprint.

The carriage house is located on an irregularly shaped rear leg of the lot. The structure meets the setback requirements for a detached accessory structure but is deficient on three sides for an attached single-family dwelling, with the shortest setback at 5 feet.

Section 3.2.4 allows the City Council to grant exceptions to the dimensional standards of the section 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 utilize and extend the existing driveway along the eastern property line to serve all four units which is less than 10 feet from the boundary. 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.

Per this same section, no parking may be located within 20 feet of a boundary line. Several of the proposed parking stalls are located within 20 feet of a lot line, requiring a waiver per section 6.2.3.B.2.

4. Per section 5.1.4, two parking stalls are required per each dwelling unit. The petitioner proposes to construct four parking stalls for use by the two units proposed in the existing dwelling, and an additional two stalls for the carriage house. Where the carriage house will have two units, four parking stalls are required. In total, there will be six parking stalls to serve the four units where eight are required. The petitioner requires a special permit to waive two parking stalls per section 5.1.13.
5. Section 5.1.7.B.1 requires that parking stalls have a minimum width of 9 feet. The petitioners propose two parking stalls with widths of 8.5 feet at the rear of the front dwelling structure. A special permit per section 5.1.13 is required for the reduced stall width.
6. Section 5.1.7.B.2 requires that parking stalls have a minimum depth of 19 feet. The petitioners proposed two parking stalls with depths of 18 feet at the rear of the front dwelling structure. A special permit per section 5.1.13 is required for the reduced stall depth.



<b>MR1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	15,000 square feet	19,432 square feet	No change
Frontage	80 feet	140 feet	No change
Setbacks – Building 1 <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul> Setbacks – Building 2 <ul style="list-style-type: none"> <li>• Side</li> <li>• Side</li> <li>• Side</li> </ul>	25 feet 25 feet 25 feet  25 feet 25 feet 25 feet	<b>21 feet</b> 29.7 feet <b>21.97 feet</b>  <b>6.9 feet</b> <b>5 feet</b> <b>±10 feet</b>	<b>No change</b> No change <b>No change</b>  <b>No change</b> <b>No change</b> <b>No change</b>
Building Height <ul style="list-style-type: none"> <li>• Building 1</li> <li>• Building 2</li> </ul>	36 feet 36 feet	<b>41.6</b> 24.3 feet	<b>No change</b> No change
Max Number of Stories <ul style="list-style-type: none"> <li>• Building 1</li> <li>• Building 2</li> </ul>	2.5 (3 by special permit)	2.5 2	No change No change
Lot Coverage	25%	17.2%	No change
Open Space	50%	56.3%	No change
Lot Area Per Unit	4,000 square feet	19,432 square feet	4,858 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 attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce required side and rear setbacks	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line and parking within 20 feet of a boundary	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive two parking stalls	S.P. per §7.3.3
§5.1.7.B.1 §5.1.13	To allow for a reduced parking stall width	S.P. per §7.3.3
§5.1.7.B.2 §5.1.13	To allow for a reduced parking stall depth	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

1. Two (2) copies of the completed Special Permit Application (signed by property owner)
2. Filing Fee (see Special Permit Application)
3. Two (2) copies of the Zoning Review Memorandum
4. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
5. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
6. One (1) copy of any previous special permits or variances on the property (as applicable)
7. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
8. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N