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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 24, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: 50 Highland Realty 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: 50 Highland Realty LLC	
Site: 50 Highland Avenue	SBL: 24011 0034
Zoning: MR1	Lot Area: 22,738 square feet
Current use: Two-family dwelling and detached garage	Proposed use: Four single-family attached dwellings in two structures

BACKGROUND:

The property at 50 Highland Avenue consists of a 22,738 square foot lot improved with a two-family dwelling constructed circa 1871 and a detached garage. The petitioner proposes to construct an addition to the structure as well as a second two-unit structure, resulting in two 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 7/6/2021
- Existing Conditions Plan, signed and stamped by Verne T. Porter, surveyor, dated 6/14/2021
- Zoning Plan, signed and stamped by Verne T. Porter, surveyor, dated 6/14/2021
- Architectural plans and elevations, prepared by Vance Architects, dated 6/22/2021

ADMINISTRATIVE DETERMINATIONS:

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. The petitioners intend to construct a rear addition resulting in a side setback of 24.2 feet. Additionally, a second two-unit structure will be constructed to the rear of the site. The rear structure will have a 22.5-foot side setback on the eastern side, and a 16.8-foot rear setback. Per Section 3.2.4 a special permit is required to reduce the setback to below 25 feet.

3. The petitioners propose to utilize and extend the existing driveway along the western property line which is less than 10 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.

Per this same section, no parking may be located within 20 feet of a boundary line. The surface parking stalls for the three rear units are located within 20 feet of a lot line, requiring a waiver per section 6.2.3.B.2.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	22,738 square feet	No change
Frontage	80 feet	106.5 feet	No change
Setbacks – Building 1 <ul style="list-style-type: none"> • Front • Side • Side 	25 feet 25 feet 25 feet	52 feet 35.9 feet 21.97 feet	No change ± 30 feet 24.2 feet
Setbacks – Building 2 <ul style="list-style-type: none"> • Side • Side • Rear 	25 feet 25 feet 25 feet		29 feet 22.5 feet 16.8 feet
Building Height <ul style="list-style-type: none"> • Building 1 • Building 2 	36 feet 36 feet		35.37 feet 34.22 feet
Max Number of Stories <ul style="list-style-type: none"> • Building 1 • Building 2 	2.5 (3 by special permit)	2.5	No change 2.5
Lot Area Per Unit	4,000 square feet	11,369 square feet	5,685 square feet
Lot Coverage	25% (max)	8.99%	22.2%
Open Space	50% (min)	79.25%	59.9%
Lot Area Per Unit	4,000 square feet (min)	11,369 square feet	4,858 square feet

See "Zoning Relief Summary" below:

Zoning Relief Required		
<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

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