



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: February 22, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Peter Leis and Jennifer Storo
Terrence P. Morris, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to allow an oversized internal accessory apartment and to extend a nonconforming two-family dwelling use**

Applicant: Peter Leis & Jennifer Storo	
Site: 350 Cabot Street	SBL: 22019 0005
Zoning: SR2	Lot Area: 12,594 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling and accessory apartment

BACKGROUND:

The property at 350 Cabot Street consists of a 12,594 square foot lot improved with a nonconforming two-family dwelling constructed circa 1872 in the SR2 district. The petitioners intend to convert 1,000 square feet of one of the two units to accommodate an accessory apartment. The proposed accessory apartment requires a special permit.

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

- Zoning Review Application, prepared Terrence P. Morris, attorney, submitted 8/15/2021, revised 1/28/2022
- Proposed Condition Plan of Land, signed and stamped by Joseph R. Porter, surveyor, dated 5/15/2020, revised 1/28/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners intend to create a 1,000 square foot accessory apartment within one of the two principal dwelling units. The unit the apartment is to be accessory to contains 2,593 square feet. Per section 6.7.1.D.2 an internal accessory apartment may be 33% of the total habitable space of the dwelling unit with which it is associated, or 1,000 square feet, whichever is less. By special permit the unit may be up to 40% or 1,200 square feet. The proposed 1,000 square foot accessory apartment is 39% of the total habitable space, requiring a special permit.
2. The two-family dwelling is nonconforming, as it is located in the Single Residence 2 zoning district, which prohibits two-family dwellings per section 3.4.1. The proposed accessory apartment further extends the nonconforming two-family dwelling use requiring a special permit per sections 3.4.1 and 7.8.2.C.2.

SR2 Zone	Required**	Existing	Proposed
Lot Size	10,000 square feet	12,594 square feet	No change
Frontage	80 feet	90 feet	No change
Setbacks -			
• Front (Cabot)	30 feet	37.2 feet	No change
• Front (Pulsifer)	30 feet	19.2 feet	No change
• Side	10 feet	22 feet	No change
• Rear	15 feet	2.9 feet	No change
Height	36 feet	33.75 feet	No change
Stories	2.5	2.5	No change
Max Lot Coverage	30%	25%	26.6%
Min. Open Space	50%	56.6%	58.3%

Figures in **BOLD** are nonconforming

**Per section 3.1.2.A.3, the most restrictive dimensional control for the proposed use where it is allowed by right is found in section 3.2.3 for an MR1 new lot

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to further expand a nonconforming two-family dwelling use in a SR2 district	S.P. per §7.3.3
§6.7.1.D.2	Request to allow an oversized internal accessory apartment	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:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. 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)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. 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