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Director

ZONING REVIEW MEMORANDUM

Date: May 23, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

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

RE: Request to extend a nonconforming two-family use to allow a detached accessory apartment and for a retaining wall in the setback

Applicant: Patrick Powdermaker	
Site: 117 Cypress Street	SBL: 65015 0005
Zoning: SR3	Lot Area: 14,383 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling with a detached accessory apartment

BACKGROUND:

The property at 117 Cypress Street consists of a 14,383 square foot lot in the Single Residence 3 zoning district improved with a nonconforming two-family dwelling and a detached garage, both constructed in 1914. The petitioner proposes to convert the existing detached garage barn into an accessory apartment, requiring a special permit.

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

- Zoning Review Application, prepared by Patrick Powdermaker, applicant, submitted 3/4/2022
- Floor plans and elevations, signed and stamped by T. Andrew Hatcher, architect, dated 2/24/2022
- Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 2/9/2022
- Statement of Historical Significance, dated 6/22/2021

ADMINISTRATIVE DETERMINATIONS:

1. The property is located in the Single Residence 3 zoning district and is improved with a legal nonconforming two-family dwelling and detached garage barn constructed in 1914. The petitioner proposes to convert the detached structure into a 1,284 square foot detached accessory apartment. The accessory apartment further extends the nonconforming two-family use, requiring a special permit per sections 3.4.1 and 7.8.2.C.2.
2. The detached garage has been deemed historically significant by the Newton Historical Commission. Per section 6.7.1.E.7, the size limits on habitable space are not applicable and special permit is required to convert the structure into a detached accessory apartment.
3. The petitioner proposes to construct a retaining wall along the northeast property line. The proposed wall reaches a maximum height of 5.2 feet. Per section 5.4.2.B a retaining wall exceeding four feet in height within a setback requires a special permit.

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to extend a nonconforming two-family dwelling use	S.P. per §7.3.3
§5.4.2.B	Request to allow a retaining wall exceeding four feet in height within a setback.	S.P. per §7.3.3