

46 Farwell Street

Land Use Committee

Public Hearing - March 21, 2023

Site Information

- Existing Residential and Commercial (Offices) Uses
- MR2 Zoning District
- 8,529 SF of land
- Two Buildings - current uses:
 - Front Building - Offices
 - Rear Building - Single Family Use

Prior Special Permit



Special Permit granted on July 10, 2017 (#101-17).

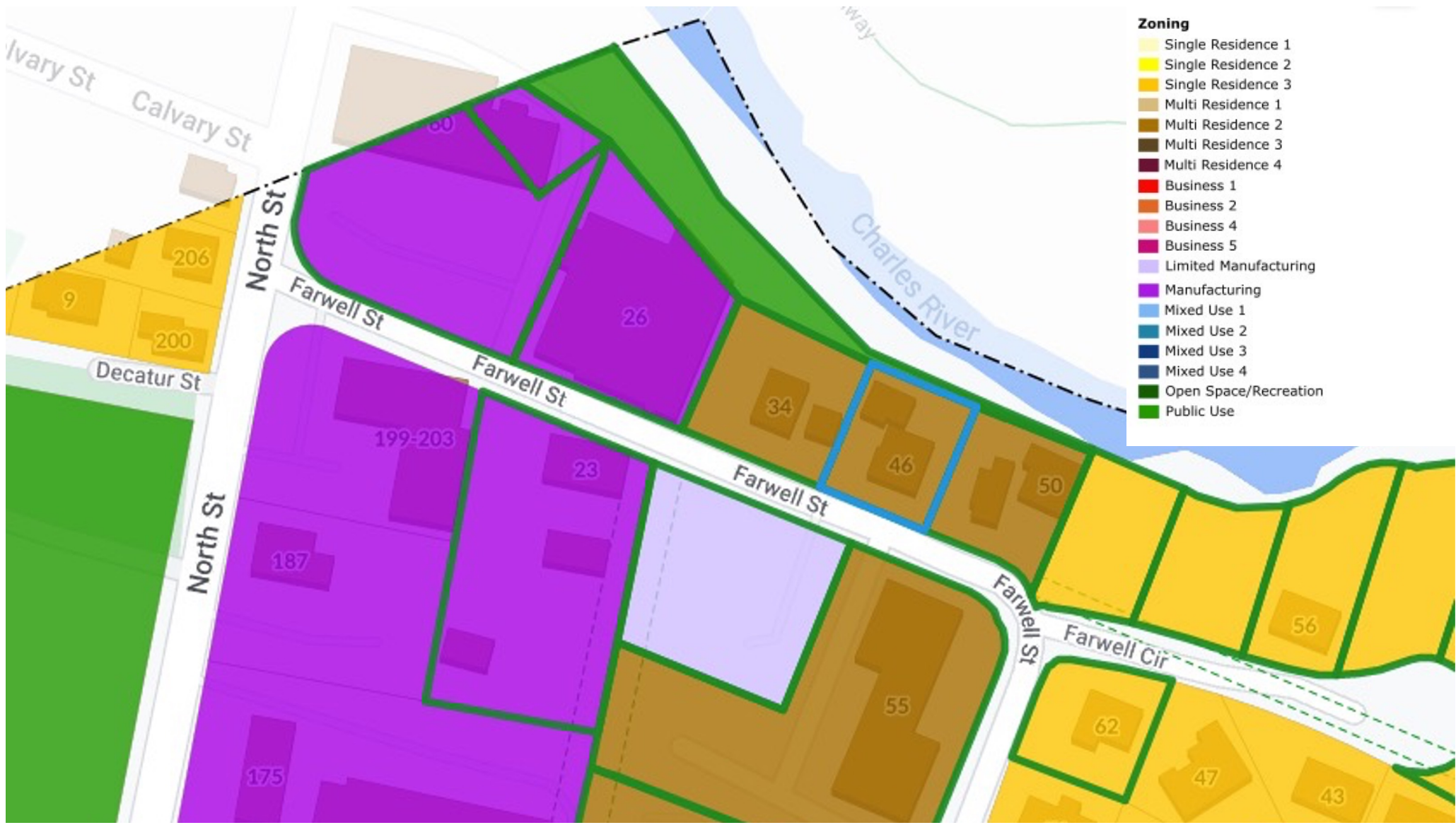
Extension of Non-Conforming Business Use (front building) with Single Family House in Building Located in Rear



Request to Amend Special Permit to Allow for 3 Residential Units (2 located in front building; 1 located in rear building)



To Allow Condominium Conversion of Residential Units



Calvary St
 North St

Decatur St

North St

Farwell St

Farwell St

Farwell St

Farwell St

Farwell St

Farwell Cir

Charles River

206

200

9

80

26

34

46

50

56

199-203

23

55

62

47

43

175

187



Charles River

James Plaster

34

Farwell St

Farwell St

ll St



Liberty Engineering

Leraci Landscaping

Tri-City Wings & Grill
Chicken Wings

James Plaster

Charles River

Charles River

Farwell St

Farwell St

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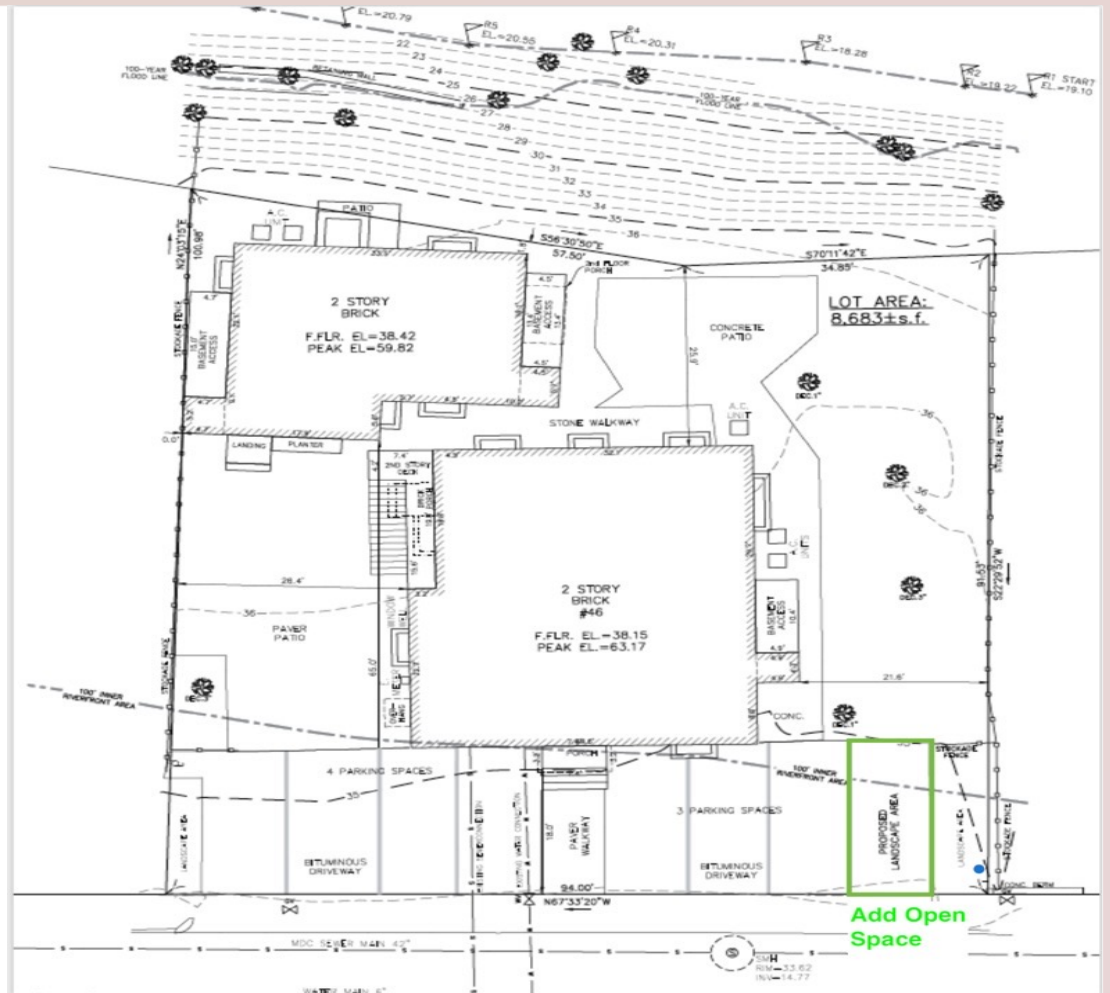
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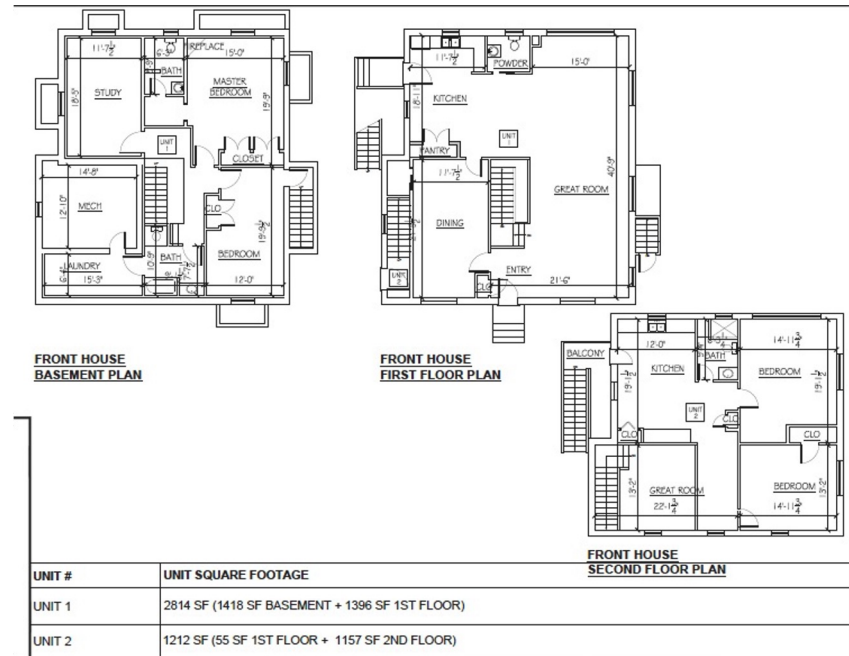


ZONING CHART			
NEWTON, MASSACHUSETTS			
ZONE: MR-2 (OLD)		SUBMISSION: PROPOSED	
REGULATION	REQUIRED	EXISTING	PROPOSED
LOT AREA	7,000s.f.	14,739±s.f.	N/C
LOT FRONTAGE	70.0'	94.0'	N/C
LOT COVERAGE	30.0%	32.0%	N/C
OPEN SPACE	50.0%	48.8% *	51.1%
MAIN BUILDING			
FRONT SETBACK	25.0'	18.0' *	N/C
SIDE SETBACK	7.5'	21.6'	N/C
REAR SETBACK	15.0'	25.9'	N/C
BUILDING HEIGHT	36.0'	27.54'	N/C
AVERAGE GRADE	—	35.63	N/C
ACCESSORY BUILDING			
FRONT SETBACK	25.0'	65.0'	N/C
SIDE SETBACK	7.5'	0.0' *	N/C
REAR SETBACK	15.0'	1.8' *	N/C
BUILDING HEIGHT	36.0'	23.70'	N/C
AVERAGE GRADE	—	36.12'	N/C



Proposed Floor Plans

- Two Units in Front Building
- No Changes to Exterior of Building
- Both Units will have 2 bedrooms



Prior Special Permit

5.4

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#101-17
46 Farwell Street

RECEIVED
NEWTON CITY CLERK
2017 JUL 12 11 31 34
David A. Jason, Clerk
NEWTON, MA 02459

CITY OF NEWTON
CITY COUNCIL
July 10, 2017

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to extend the existing nonconforming commercial business use of the property to allow the creation of a dwelling unit within an existing structure on the site, and exceptions to certain dimensional requirements for parking facilities of more than five stalls, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

46 Farwell St Newton

1. The site in the Multi-Residence 2 (MR2) district is an appropriate location for a single-family dwelling on the same lot as a commercial use given the existing mix of residential and commercial uses in the surrounding neighborhood (§7.3.3.C.1);
2. Allowing a single-family dwelling on the same lot as a commercial use will not adversely affect the neighborhood given the existing mix of residential and commercial uses in the surrounding neighborhood because the addition of a residential use is in conformity with the property's MR2 zoning district. (§7.3.3.C.2);
3. Allowing a single-family dwelling on the same lot as a commercial use will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);
5. The proposed extension of the existing nonconforming commercial use to include a single-family dwelling will not be substantially more detrimental than the existing nonconforming use is to the surrounding neighborhood as the proposed residential use is in conformity with the property's MR2 zoning district (§7.8.2.C.2);
6. The proposed alterations to the existing nonconforming parking on the site will not be substantially more detrimental than the existing nonconforming parking is to the neighborhood as they will allow on-site parking to be limited to eight defined parking stalls (§7.8.2.C.2);
7. The requested exceptions from the requirements for parking facilities provided in §5.1 would be in the public interest and in the interest of protection of environmental

Rosenberg, Freedman & Lee LLP
246 Walnut St.
Newton, MA 02460-1639

66159-457

A True Copy
Attest:
David A. Jason
City Clerk of Newton, Mass.

Conditions to be Amended or Deleted

- To Allow for Multi-Family Use with Total of 3 Units (Deleted Condition #3 in Prior SP)
- Deleted Condition #5 as no longer applicable
- To Allow for Condominium Conversion (Delete Condition #6 in Prior SP)

- v. Site Details (LD.2);
 - vi. Site Details (LD.3);
 - vii. Site Drainage (C.1).
- d. An architectural plan entitled "MOR- Rear Apartment Building, 46 Farwell Street, Newton, MA 02460- Existing Building Elevations (A2.1)," dated May 18, 2017.
 - e. A document entitled "Zoning Chart, 46 Farwell Street, Newton, Massachusetts," signed and stamped by William Doyle, Registered Civil Engineer;
 - f. Correspondence from McKay Architects to the City of Newton Inspectional Services Department dated November 27, 2016 related to existing Floor Area Calculations, signed and stamped by Michael McKay, Registered Architect.
2. All work on and occupation of the property pursuant to this Special Permit/Site Plan Approval shall be consistent with the provisions of Massachusetts Department of Environmental Protection Order of Conditions DEP #239-774.
 3. The single-family residential use allowed by this Special Permit/Site Plan Approval shall be limited to the structure shown and labeled as "2 STORY BRICK" and located in the rear left corner of the property on the plan cited in Condition #1.a (hereafter the "rear structure").
 4. The rear structure shall be used only as one dwelling unit and no commercial uses or additional dwelling units shall be permitted in the rear structure.
 5. Only one dwelling unit located in the rear structure shall be allowed on the property so long as any commercial use is present on the property.
 6. The property and the two structures located thereon shall not be submitted to the Condominium Act, G.L. c. 183.
 7. Vehicles may not be parked and/or stored on the property beyond the parking stall area shown in the plan cited in Condition #1.b.
 8. The rear structure may be modified, altered, or otherwise changed based on the requirements of the Newton Fire Department and/or the Inspectional Services Department, provided that such modifications, alterations, or changes are required in connection with the installation of fire and life-safety equipment and/or apparatus, or to meet building codes, including without limitation a second means of egress if required. Such modification, alterations, or changes to the rear structure may be done through building, electrical and/or plumbing permits, as applicable, issued by the Inspectional Services Department without the requirement of a consistency ruling or amendment to this Special Permit/Site Plan Approval.
 9. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:

A True Copy
Attest