



#350-19

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## City of Newton, Massachusetts

### Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller  
Mayor

Barney Heath  
Director

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### PUBLIC HEARING MEMORANDUM

Public Hearing Date:	November 7, 2019
Land Use Action Date:	January 14, 2020
City Council Action Date:	January 20, 2020
90-Day Expiration Date:	February 5, 2020

DATE: November 1, 2019

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Katie Whewell, Planning Associate

SUBJECT: **Petition #350-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to subdivide a 29,983 sq. ft. lot into one 15,000 sq. ft. lot and one 14,983 sq. ft. lot, requiring a waiver of the lot frontage by 5% (5') and a reduction in the lot area by .114% (17 sq. ft.) at 1957 Beacon Street, Ward 5, Waban, on land known as Section 55 Block 01 Lot 27, containing approximately 29,983 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.4.E, 7.8.4.F of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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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.



**1957 Beacon Street**

### **EXECUTIVE SUMMARY**

The property located at 1957 Beacon Street consists of a 29,987 square foot lot in the Single Residence 2 (SR-2) zone in Waban. The lot is improved with a single story, single-family residence constructed in 1948. The petitioner is seeking to raze the existing structure and subdivide the lot into two lots. One lot will meet new lot standards and the other will need waivers for a five-foot reduction in frontage, and a 17 square-foot reduction in lot area.

The Planning Department is unconcerned with the request to subdivide the property and reduce the lot area and frontage for Lot 34A. The resulting two lots will be keeping with the context of the median lot size and frontage of the abutters within 300 feet. The resulting lot size of the lot that needs relief is 14,983 square feet and 95 feet of frontage, whereas the median lot size of similar abutting properties within 300 feet is 12,874 square feet and 85 feet of frontage.

The Planning Department recommends that any structure built on Lot 34A that meets the dimensional standards of the new lot standards in the SR-2 zone not require an amendment to the special permit and can be administratively approved by the Planning Department. The Planning Department recommends this be incorporated as a condition.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

When reviewing this request, the  
Council should consider whether:

- The proposed reduction in lot area and frontage, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, §7.8.4.E, §7.8.4.F)
- The proposed reduction in lot area and frontage do not create a nonconformity that did not previously exist. (§3.1.3, §7.8.4.E, §7.8.4.F)
- The site is an appropriate location for the proposed subdivision that requires waivers for frontage and lot area (§7.3.3.C.1)
- The reduction in frontage and lot area will adversely affect the neighborhood (§7.3.3.C.2).
- There will be no 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).

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The subject property is located on Beacon Street in the SR-2 zone in Waban and abuts Newton Wellesley Hospital. The SR-2 zone encompasses all of the surrounding neighborhood and adjacent properties (**Attachment A**). The surrounding land use of the neighborhood is mostly single family residential, and nonprofit organization due to Newton Wellesley Hospital. The land use of the current site is mixed-use due to the single-family residence and home dentist office (**Attachment B**). There are 28 abutters within 300 feet with properties improved with single family dwellings. Of those there are a range of lot sizes ranging from 7,801 square feet to 23,933 square feet. The average lot size of abutters with single family dwelling is 14,498 square feet. The median lot size of abutters is 12,874 square feet. Of the properties that are not corner lots that abut the subject property, the average frontage is 88 feet, and the median frontage is 85 feet.

### B. Site

The site consists of 29,983 square feet of land and is improved with a single-family residence constructed in 1948. The site is comprised of Lots 33, 34, and 34B with a single metes and bounds description. Lot 34B consists of 657 square feet, and is between lots 34 and 33. Lot 34 has 14,983 square feet and 95 feet of frontage. Lot 33 has a total of 14,343 square feet and 100 feet of frontage. The site is served by one curb cut with a driveway that slopes down to the attached garage and detached accessory structure. The topography of the site varies, with the high point at the front of the site and slopes down to the rear. The site is heavily landscaped, with hedges and bushes in the front of the existing single-family home and the backyard is landscaped as well.



### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The existing use is a single-family residence with a home dentist office. Should the special permit be approved, it will result in two vacant lots.

#### B. Building and Site Design

The petitioners are seeking to raze the existing single-family dwelling, subdivide the property that will ultimately result in two lots that fall under new lot standards. Lots 33 and 34B will be merged and become Lot B. Lot B will meet new lot standards while the remaining lot, Lot 34A, requires relief from section 7.8.4 of the Newton Zoning Ordinance to become a buildable lot under new lot standards. The relief sought is a reduction in lot area by .114% and frontage by 5%, both allowed by special permit. The resulting lot size and frontage will be 14,983 square feet and 95 feet of frontage. The maximum reduction for both dimensional standards by special permit is 5%, which both

proposed reductions meet. The Law Department has interpreted the provision to be inclusive of the lot area per unit requirement.

The Planning Department is unconcerned with the petition to subdivide the lots and the subsequent reduction in lot size and frontage. Any construction on either lot will need to meet new lot standards. Using the dimensions of abutting properties within 300 feet, the proposed frontages and lot sizes are keeping within the context of the neighborhood. The proposed frontage of 95 feet is greater than the median frontage of 85 feet for abutters (excluding corner lots). The median lot size is 12,875 square feet, which is less than the proposed lot sizes for the two lots. The subdivision of the lot will result in lot sizes similar to others in the neighborhood in terms of frontage and lot size.

C. Parking and Circulation

The petitioners are not proposing any changes to either the parking or circulation.

D. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.1.3, and §7.8.4.E of Section 30, request to reduce the lot area
- §3.1.3, and §7.8.4.F of Section 30, request to reduce lot frontage

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

The existing single-family dwelling was found not preferably preserved by the Newton Historical Commission on May 31, 2018.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

**Attachment A:** Zoning Map  
**Attachment B:** Land Use Map  
**Attachment C:** Zoning Review Memorandum  
**Attachment D:** DRAFT Council Order

# ATTACHMENT A

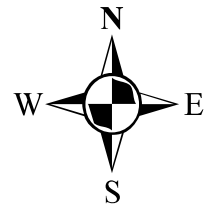
## Zoning

1957 Beacon St.

*City of Newton,  
Massachusetts*

## Legend

 Single Residence 2

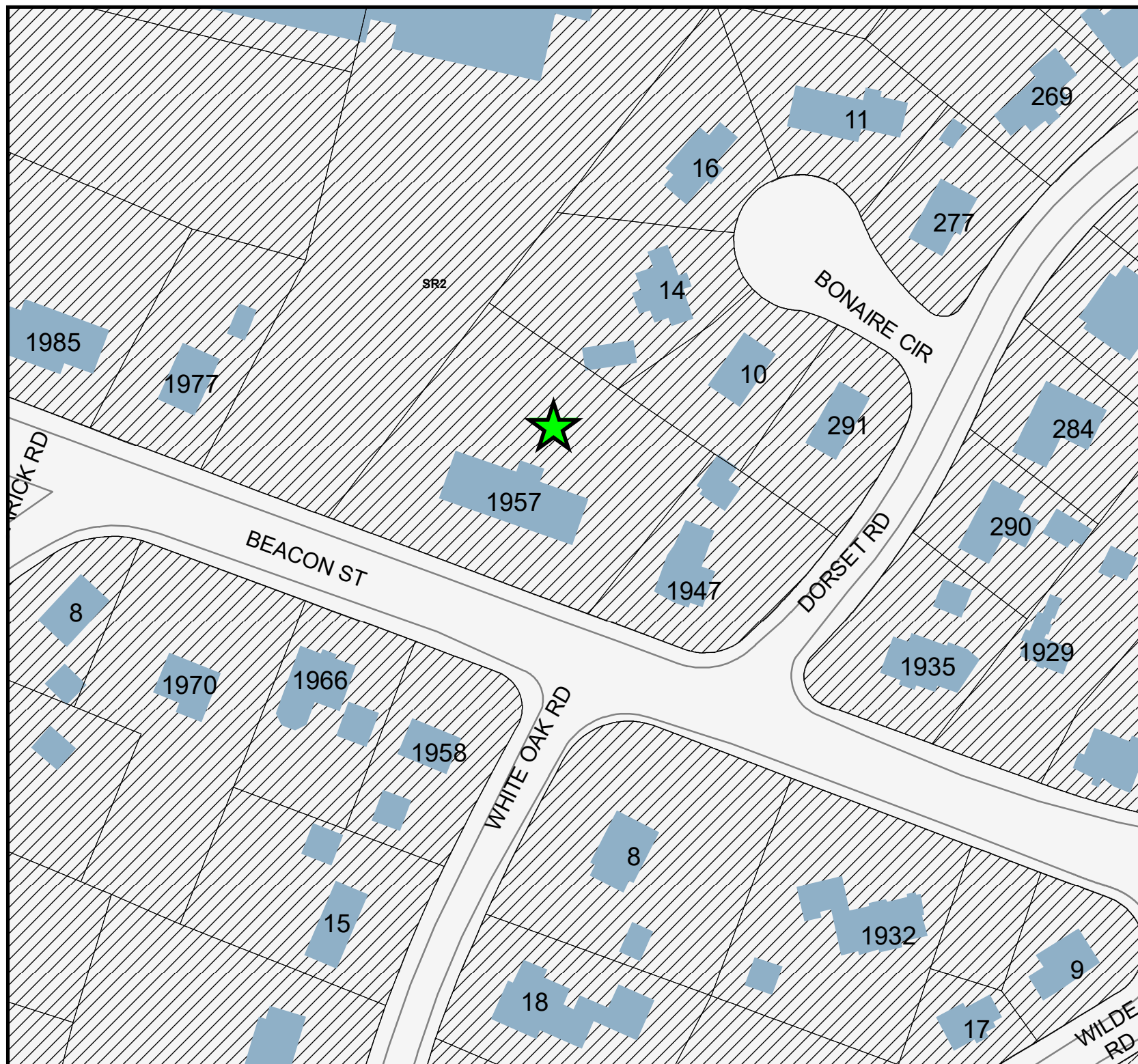


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: October 24, 2019





# ATTACHMENT B





## Land Use

### 1957 Beacon Street

*City of Newton,  
Massachusetts*

## Land Use

### Land Use

-  Single Family Residential
-  Mixed Use
-  Nonprofit Organizations
-  Vacant Land

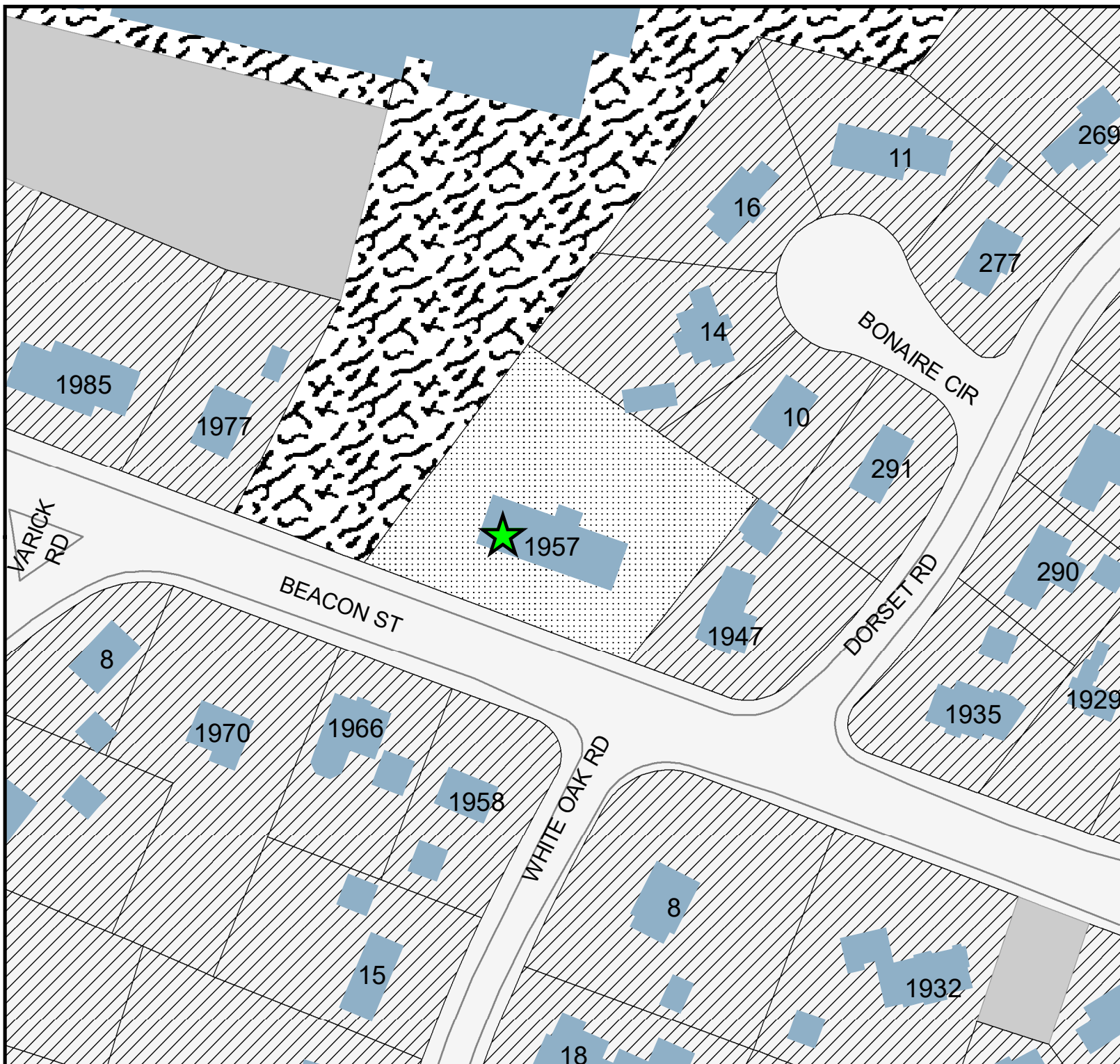


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
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0 12.5 25 50 75 100 125 Feet

Map Date: October 24, 2019







Ruthanne Fuller  
Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: September 9, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Jennifer Caira, Chief Planner for Current Planning

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

RE: **Request to allow a 5% reduction in lot area and frontage**

Applicant: Charlene Zion	
Site: 1957 Beacon Street	SBL: 55001 0027
Zoning: SR2	Lot Area: 29,983 square feet
Current use: Single-family dwelling on one lot	Proposed use: Two lots

### BACKGROUND:

The property at 1957 Beacon Street consists of a 29,983 square foot lot improved with a single-family residence constructed in 1948 abutting Newton-Wellesley Hospital. The petitioner seeks to raze the existing dwelling and subdivide the lot into two lots. One lot will meet new lot standards after the division, however one will be deficient by 17 square feet and five feet of frontage, requiring a special permit.

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

- Zoning Review Application, prepared Charlene Zion, applicant, dated 7/19/2019
- Plan of Land - Proposed Conditions, prepared by Everett M. Brooks, surveyor, dated 1/8/2019

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner owns a 29,983 square foot parcel with 195 feet of frontage in the Single Residence 2 zoning district, improved with a single-family dwelling. The parcel is comprised of Lots 33, 34 and 34B from a plan dated March 1928 by a single meets and bounds description. Lot 34B is shown as a 657 square foot wedge with no frontage. Lot 33 has a total of 14,343 square feet and 100 feet of frontage. Lot 34 has 14,983 square feet and 95 feet of frontage. The existing single-family dwelling was constructed straddling the lots.

The petitioner intends to subdivide the parcel into two lots using the internal line as shown on the 1928 plan. Lot 33 and 34B are to be combined to become Lot B, together containing 15,000 square feet and having 100 feet of frontage. This proposed Lot B meets the requirements for a new lot in the Single Residence 2 zoning district and requires no relief.

The remaining lot, to be known as Lot 34A, contains 14,983 square feet and 95 feet of frontage.

2. Per section 7.8.4.E, the City Council may grant a special permit to allow the area of a lot in a residential district to be reduced by up to 5 percent of the lot area required by section 3.1 by special permit. Per section 3.1.3, the required lot area for a new lot in the Single Residence 2 zoning district is 15,000 square feet. Section 7.8.4.E allows for a reduction of up to 750 square feet for a 15,000 square foot requirement. The petitioner requests a 0.114% (17 square feet) reduction to create a lot with 14,983 square feet. The requested reduction requires a special permit per sections 3.1.3 and 7.8.4.E.

The Law Department has interpreted this provision to be inclusive of the lot area per unit requirement. Where the reduction applies to the lot area requirement, the lot area per unit for a single-family dwelling unit is satisfied by the reduction as well.

3. Section 7.8.4.F allows the City Council to grant a special permit to reduce the required frontage for a lot by up to 5 percent. Per section 3.1.3, the frontage requirement for a new lot in the Single Residence 2 zoning district is 100 feet. The petitioner requests a 5 percent reduction to create a lot with 95 feet of frontage. A special permit per sections 3.1.3 and 7.8.4.F is required.

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.4.E	Request to reduce lot area by 0.114%	S.P. per §7.3.3
§3.1.3 §7.8.4.F	Request to reduce lot frontage by 5%	S.P. per §7.3.3

#350-19  
1957 Beacon Street

CITY OF NEWTON  
IN CITY COUNCIL

ORDERED:

That the City 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 allow a reduction of 5% or less from lot size and frontage, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed reduction in lot area and frontage, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, §7.8.4.E, §7.8.4.F)
2. The proposed reduction in lot area and frontage do not create a nonconformity that did not previously exist. (§3.1.3, §7.8.4.E, §7.8.4.F)
3. The site is an appropriate location for the proposed subdivision that requires waivers for frontage and lot area because the proposed frontage and lot size are greater than the median frontage and lot sizes of abutting single family residential properties within 300 feet. (§7.3.3.C.1)
4. The reduction in frontage and lot area will not adversely affect the neighborhood because the proposed frontage and lot size are greater than the median frontage and lot sizes of abutting single family residential properties within 300 feet (§7.3.3.C.2).
5. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
6. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #350-19

PETITIONER: Charlene Zion

LOCATION: 1957 Beacon Street, on land known as Section 55, Block 001, Lot 27, containing approximately 29,983 square feet of land

OWNER: Charlene Zion

ADDRESS OF OWNER: 1957 Beacon Street  
Newton, MA 02468

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3, §7.8.4.E, §7.3.3 to reduce lot area by .114%; §3.1.3,  
§7.8.4.F, §7.3.3 to reduce lot frontage by 5%

ZONING: Single Residence 2 district

Approved subject to the following conditions:

1. All parcels associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. "Plan of Land in Newton, MA 1957 Beacon Street", signed and stamped by Bruce Bradford, Professional Land Surveyor, dated January 1, 2019.
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the subdivision plans are consistent with plans approved in Condition #1.
3. An approved, recorded subdivision plan shall be submitted to the Planning and Development Department prior to any building permit application.
4. Future proposed structure(s) built upon Lot 34A that is/are considered by right, shall be reviewed administratively by the Planning Department, rather than an amendment to the special permit. This special permit shall only apply to Lot 34A once a subdivision plan has been recorded.