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ZONING REVIEW MEMORANDUM

Date: August 21, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Kinmonth Road Investment LLC, Applicant
Terrence Morris, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to allow 24-unit multi-family dwelling

Applicant: Kinmonth Road Investment LLC	
Site: 20 Kinmonth Road	SBL: 53029 0002
Zoning: BU1	Lot Area: 24,302 square feet
Current use: Nursing home	Proposed use: 24-unit multi-family dwelling

BACKGROUND:

The property located at 20 Kinmonth Road consists of a 24,302 square foot lot improved with a nursing home and health facility constructed in 1965. The parcel is located in the BU1 zoning district abutting the MBTA tracks, retail and Brae Burn Country Club. The petitioner proposes to raze the existing structure and construct a three-story 24-unit multi-family dwelling with 24 below-grade parking stalls. To construct the project as proposed, the petitioner requires a special permit for ground level residential units, as well as relief from various dimensional and parking requirements.

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

- Zoning Review Application, prepared by Terrence Morris, attorney, submitted 7/1/2019
- Existing Conditions Site Plan, prepared by Spruhan Engineering, surveyor, dated 5/21/2019
- Proposed Conditions Site Plan, signed and stamped by Edmond T. Spruhan, surveyor, dated 6/24/2019
- Architectural Plans and Elevations, prepared by McKay Architects, architect, dated 3/5/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to raze the existing building and construct a 24-unit multi-family dwelling with ground floor residential units. Per section 4.4.1, a special permit is required to allow a multi-family dwelling with ground floor residential units in the BU1 zoning district.
2. Per section 4.1.2.B.1, a special permit is required for any development in the business districts of 20,000 square feet or more of new gross floor area. The petitioner proposes to raze the existing 18,324 square foot structure and construct a new 25,818 square foot multi-family dwelling. Per section 4.1.2.B.1 a special permit is required for the development of more than 20,000 square feet of new gross floor area.
3. The petitioner intends to raze the existing two-story building and construct a three-story multi-family dwelling with below-grade parking. Per sections 4.1.2.B.3 and 4.1.3, a three-story building requires a special permit.
4. The existing structure has nonconforming side setbacks of 11.6 feet on the easterly side and 12.9 feet on the westerly, where half the building height, or 16.78 feet, is required per section 4.13. The petitioner proposes to increase the building height to 34 feet, thereby increasing the required setback to 17 feet. The petitioner proposes to reconstruct and extend the nonconforming side setbacks, maintaining 11.5 feet on the eastern line and extending to 12.4 feet on the western. A special permit per sections 4.1.3 and 7.8.2.C.2 is required.
5. Section 4.1.3 allows for an FAR of 1.00 for two stories and 1.50 for a structure with three stories. The petitioner proposes a three-story structure with an FAR of 1.4. As three-story structures require a special permit, and the increased FAR is allowed only in a three-story structure, a special permit is required per section 4.1.3 to allow an FAR of 1.4 in a three-story structure.
6. Section 4.1.2.A.2 requires a minimum lot area per unit of 1,200 square feet. The 24,302 square foot lot allows for a total of 20 units by right. The petitioner proposes to construct 24 units by constructing an additional Tier 1 three-bedroom inclusionary unit above the required three units, allowing for three additional market rate units per section 5.11.4.C. The proposed lot area per unit with the density bonus is 1,013 square feet.
7. The required number of parking stalls for a multi-family dwelling is two stalls per unit per section 5.1.4.A, or 48 total required for this proposal. The petitioner proposes to construct 24 below grade parking stalls to service the 24 dwelling units. Per section 5.1.13, the petitioner seeks a waiver to allow for a reduction in the required number of parking stalls from 48 to 24.
8. Section 5.1.8.B provides the dimensional requirements for parking stalls. Per section 5.1.8.B.1, the minimum width for a stall is 9 feet wide, and per section 5.1.8.B.2, the minimum depth is 19 feet. The petitioner proposes 18 parking stalls with an 18-foot depth. A special permit is required per sections 5.1.8.B.2 and 5.1.13 to reduce the depth requirement for parking stalls.
9. Section 5.1.8.D.2 requires that driveways be no wider than 25 feet. The proposed driveway exceeds 25 feet in width as it nears Kinmonth Road, requiring a special permit per section 5.1.13.

10. Several retaining walls are proposed throughout the site, including one at the front and one along the western property boundary with the country club. Section 5.4.2.B requires a special permit for a retaining wall in excess of four feet in the setback. A 4.5 foot high retaining wall is proposed in the front setback at the entrance to the building, requiring a special permit.
11. Section 5.11.3 states that the inclusionary zoning provisions apply to any residential development with more than seven units constructed. It is intended that the units in the project will be ownership units, rather than rental. The petitioner must meet the requirements found in section 5.11.4.B.5 for ownership projects of at least 10% Tier 1 units at 80% area median income, and an additional 5% Tier 2 units at 110% area median income of the base 20 units before the density bonus.

BU1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	24,302 square feet	No change
Setbacks			
• Front	10 feet	27.4 feet	21.2 feet
• Side	17 feet	11.6 feet	11.4 feet
• Rear	17 feet	34 feet	33.8 feet
Building Height	24 feet (by right) 36 feet (special permit)	33 feet	34 feet
Stories	2 (by right) 3 (special permit)	2 stories	3 stories
Lot Area Per Unit	1,200 square feet	N/A	1,013 square feet*
FAR	1.00 (by right) 1.50 (special permit)	0.75	1.40

*with density bonus per section 5.11.4.C

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1	Request to allow a residential use with ground floor units	S.P. per §7.3.3
§4.1.2.B.1	A development of 20,000 square feet or more of new gross floor area	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a three-story structure at 34.5 feet in height	S.P. per §7.3.3
§4.1.3 §7.8.2.C.2	To reconstruct and further extend nonconforming side setbacks	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow an FAR of 1.4 in a three-story structure	S.P. per §7.3.3
§5.1.4.A §5.1.13	To waive 24 required parking stalls	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	To waive the minimum stall depth requirements	S.P. per §7.3.3
§5.1.8.D.2 §5.1.13	To waive the maximum driveway width requirement	S.P. per §7.3.3
§5.4.2.B	To allow a retaining wall greater than four feet in height	S.P. per §7.3.3