



Marc C. Laredo  
Mayor

**City of Newton**  
**Department of Planning and Community Development**

1000 Commonwealth Avenue, Newton, Massachusetts 02459  
(617) 796-1120 | [newtonma.gov/planning](http://newtonma.gov/planning)

Petition: #69-26  
Public Hearing:  
2/10/26

Katie Whewell  
Acting Director

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**PUBLIC HEARING MEMORANDUM**

**DATE:** February 6, 2026

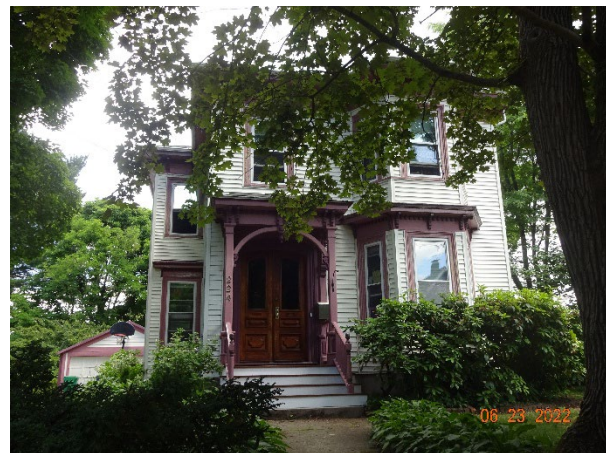
**TO:** City Council

**FROM:** Katie Whewell, Acting Director of Planning and Development  
Cat Kemmett, Acting Chief Planner for Current Planning  
Sondria Berman, Senior Planner

**SUBJECT:** **Petition #69-26 for SPECIAL PERMIT/SITE PLAN APPROVAL** to construct a two-story detached accessory building with an office for a home business on the first story and an ADU above, a home business that exceeds 30% of the ground floor area of the dwelling, and more than two parking stalls within the side setback at 224 Melrose Street, Ward 4, Newton, on land known as Section 41 Block 17 Lot 25, containing approximately 15,750 sq. ft. of land in a district zoned Single Residence 3. Ref: Sec. 7.3.3, 6.7.3.B.1.k.iv, 6.7.3.B.1.b, 5.1.7.A and 5.1.13 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 which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



**224 Melrose Street**

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I. Project Description

*Use* – Residential- Single Family

*Zone* – Single Residence 3 (SR3)

*Lot size* – 15,750 square feet

*Proposal* – *Special Permit Relief*

- To construct a two-story detached accessory building with a home office on the first floor and an Accessory Dwelling Unit (ADU) on the second floor
- To allow a home business that exceeds 30% of the ground floor area of the dwelling
- To allow more than two parking stalls within the side setback

II. Summary Analysis

Planning believes that the proposed work will allow for a modest increase in housing of one unit through the creation of a relatively small ADU and enable the creation of a home business use on site without exceeding FAR or requiring the installation of a second driveway and curb cut. However, staff note that the extension of the existing driveway includes five dimensionally-compliant parking stalls, four of which are located in a tandem arrangement that appears somewhat constrained. Planning recommends further discussion regarding the safety and maneuverability of the proposed arrangement of parking stalls on site.

While the proposed structure accessory building will be larger than the existing garage with respect to stories, height, and square footage, the proposed accessory building height and stories are allowed by-right, and the relocation of the accessory structure will bring it into compliance with the primary dimensional setbacks increasing the distance between the accessory building and a residential abutter.

III. Zoning Relief Requested:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§6.7.3.B.1.k.iv	Request to allow a home business in a detached accessory building	S.P. per §7.3.3
§6.7.3.B.1.b	Request to allow a home business to exceed 30% of the ground floor area of the dwelling	S.P. per §7.3.3
§5.1.7.A, §5.1.13	Request to allow more than two parking stalls within the side setback	S.P. per §7.3.3

For more details around the zoning analysis please refer to **Attachment A**.

IV. Criteria for Consideration per §7.3.3., §5.1.13:

- The site in the Business 2 (BU2) zone is an appropriate location to allow for the proposed changes to the canopy and signage on site. (§7.3.3.C.1)
- The proposed changes to the canopy and signage do not adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed canopy and signage will not be a nuisance or serious hazard to vehicles or pedestrians as designed. (§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)
- Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)

**Existing Conditions**

The subject property at 224 Melrose Street consists of a 15,750 square foot lot improved with a single family residence constructed circa 1863 and an existing detached, one-story garage. The site includes topographical changes, particularly towards the middle and rear of the lot, where the elevation slopes downward towards the rear lot line for an average elevation change of approximately 10 feet.

The subject property is located in a Single Residence 3 district (SR3) zone in the Auburndale neighborhood, north of Commonwealth Avenue. The surrounding neighborhood is zoned SR3 and largely consists of single and two-family residential uses. Further south, across Commonwealth Avenue is a mixed-zoning area of Multi-Residence 1 and 2 and Village Center 2 districts with higher density residential and commercial uses.

**Proposal Analysis**

The petitioner proposes to raze the existing one-story detached accessory building and construct a two-story detached accessory building with an office for a home business on the first story and an ADU on the second story. The proposed accessory building will be relocated further south on the site to meet the principal dimensional requirements for the district, which increases the allowable building height for the accessory building with an ADU to be up to 2.5 stories and 36 feet in height, per section 6.7.1.E.3. The relocation of the accessory building away from the northern lot line increases the distance between the building and a residential abutter and brings the accessory building into compliance with both the minimum required

setbacks for an accessory building (5 feet) but also meets the primary dwelling's dimensional setbacks. As such, the accessory building is subject to the dimensional standards of the primary dwelling, which is a maximum height of 2.5 stories and 36 feet in height. The accessory building's height and stories are compliant with this maximum, proposing 25.5 feet and two stories, respectively, with the structure below the height of principal dwelling of 2.5 stories. The site remains compliant with lot coverage, open space, frontage, and lot size, and the minimum setbacks are met for both the principal and proposed accessory buildings. The proposed increase in FAR for the property is .23 from the existing .16, which is well under the allowable FAR of .42 for the site.

Special permit relief is required, however, to allow for a home business in a detached accessory building, per section 6.7.3.B.1.k.iv. The Commissioner of Inspectional Services noted that the proposed home business may be located within a detached accessory building with an ADU provided that the business is associated with the principal dwelling unit.

Furthermore, the total area of a home business may not exceed 30% of the ground floor area of the dwelling unit, per section 6.7.3.B.1.b. The sum of the ground floor square footage of the principal dwelling unit and detached accessory building total 1,750 square feet, allowing up to 525 square feet (30%) to be allotted for home business use. The petitioner proposes 635 square feet of home office space or 36% of the total ground floor area, requiring relief per section 6.7.3.B.1.k.ii.

The petitioner proposes to expand the width of the existing driveway along the northern property line and extend the length of the driveway to meet the proposed accessory building to accommodate five dimensionally-compliant parking stalls. Per section 6.7.3.B.1.i, a home business must provide parking for the primary residential use as well as one parking stall for every 200 square feet of floor area used for the business, with a one-stall reduction allowance if more than one stall is required under these terms. No parking stall minimums are required for the proposed ADU, per section 6.7.1.C.5. The single-family residence requires two parking stalls per section 5.1.4. As the proposed home business will be 635 square feet, a total of three additional stalls are required, for a total parking requirement of five stalls on site. The petitioner has proposed to arrange four of the five parking stalls in a tandem parking arrangement along the driveway. Per section 5.1.7.A, the two parking stalls for the dwelling unit may be located within the side setback. With a total of four proposed tandem stalls within the side setback, a special permit relief per section 5.1.13 is required for an additional two stalls within the side setback. Planning notes that the petitioner is not seeking relief for the required parking, however, planning recommends further discussion regarding the maneuverability of cars on site for visitors.

V. Interdepartmental Review

**Historic Preservation Review:** The Newton Historic Commission rendered a decision on January 13, 2026 that the existing garage at 224 Melrose Street was not historically significant, and waived the demolition delay. (Attachment B)

**Engineering Department Review:** This petition will be subject to the Engineering Department's review for compliance with the Stormwater Ordinance and all applicable City Engineering standards.

VI. Petitioner's Responsibilities

The petition is complete.

**ATTACHMENTS:**

- ATTACHMENT A:** Zoning Review Memorandum, dated February 4, 2026  
**ATTACHMENT B:** Newton Historic Commission Decision, dated January 13, 2026  
**ATTACHMENT C:** DRAFT Council Order



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Mayor

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Katie Whewell  
Acting Director

**ZONING REVIEW MEMORANDUM**

Date: February 4, 2026

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Benjamin Grace, Applicant  
Katie Whewell, Acting Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

RE: **Request to allow a home business in a detached accessory building and to allow the business to exceed 30% of the ground floor area**

Applicant: Benjamin Grace	
Site: 224 Melrose Street	SBL: 41017 0025
Zoning: SR3	Lot Area: 15,750 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with a detached ADU and home business

**BACKGROUND:**

The property at 224 Melrose Street consists of a 15,750 square foot lot improved with a single-family dwelling constructed circa 1863. The petitioners propose to raze the existing detached garage to construct a detached accessory building to be used for an ADU and home business. A home business in a detached accessory building requires a special permit.

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

- Zoning Review Application, prepared by Benjamin Grace, applicant, submitted 11/7/2025
- Plan Showing Proposed ADU, signed and stamped by Dennis B. O’Brien, surveyor, dated 7/30/2025, revised 11/6/2025
- Floor Plan, signed and stamped by Cynthia N. David, architect, dated 11/5/2025
- FAR calculations, signed and stamped by Cynthia N. David, architect, submitted 11/7/2025

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner proposes to construct a two-story detached accessory building with an office for a home business on the first story and an ADU on the second story. Where the proposed detached accessory building meets the principal dimensional requirements for the district, the building may be up to 2.5 stories and 36 feet in height per section 6.7.1.E.3 as it houses an accessory dwelling unit.
2. A 635 square foot home business is proposed on the first floor of the detached accessory building. Per section 6.7.3.B.1.k.iv, a special permit is required to allow a home business in a detached accessory building.

This same section states that “no home business shall be permitted in any detached accessory building which is used as an accessory apartment.” Separately, section 6.7.3.B.1.j requires that there may be only one home business in any dwelling with an ADU and that said business must be in the principal unit. The Commissioner of Inspectional Services has interpreted these provisions together to mean that a home business may be located within a detached accessory building with an ADU as long as the business is associated with the principal dwelling unit.

3. Per section 6.7.3.B.1.b, the total area of the home business may not exceed 30% of the ground floor area of the dwelling unit. With 1,750 square feet of ground floor area between the principal dwelling unit and the detached accessory building, the home business is allowed 525 square feet by right. With a 635 square foot proposed office for the home business, the business is 36% of the total ground floor area, requiring a special permit per section 6.7.3.B.1.k.ii.
4. Per section 6.7.3.B.1.i, a home business must provide the parking required for the residential use as required by section 5.1.4, as well as one parking stall per every 200 square feet of floor area used for the business (if more than one stall is required for the home business, the total number of stalls required shall be reduced by one). The single family dwelling use requires two parking stalls per section 5.1.4. The proposed home business will occupy 635 square feet, resulting in a requirement of three parking stalls for the business ( $635/200 = \text{four stalls less one stall}$ ). The petitioner is providing five stalls, meeting the requirement.

The petitioner does not intend to reconfigure the existing driveway other than to extend it further to the rear to accommodate the new construction, allowing for two additional side by side stalls in front of the proposed building. The rest of the stalls are aligned in tandem along the northern side lot line. Per section 5.1.7.A, the two parking stalls are required for the dwelling unit may be located within the side setback. With four stalls located within the side setback with the proposed extension of the driveway, a special permit per section 5.1.13 is required.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	15,750 square feet	No change
Frontage	70 feet	75 feet	No change
Setbacks - Principal <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 7.5 feet 7.5 feet 15 feet	25.3 feet 19.5 feet 24.3 feet >100 feet	No change No change No change No change
Setbacks – Accessory** <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 7.5 feet 7.5 feet 15 feet	NA NA NA NA	>25 feet 7.5 feet ± 45 feet ± 84 feet
Height <ul style="list-style-type: none"> <li>• Principal</li> <li>• Accessory**</li> </ul>	36 feet 36 feet	NA NA	No change 25.5 feet
Stories <ul style="list-style-type: none"> <li>• Principal</li> <li>• Accessory**</li> </ul>	2.5 2.5	2.5 NA	No change 2
FAR	.42	.16	.23
Max Lot Coverage	30%	NA	12.4%
Min. Open Space	50%	NA	73.9%

**BOLD** indicates a nonconformity

\*Relief required

\*\*Per section 6.7.1.E.3

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§6.7.3.B.1.k.iv	Request to allow a home business in a detached accessory building	S.P. per §7.3.3
§6.7.3.B.1.b	Request to allow a home business to exceed 30% of the ground floor area of the dwelling	S.P. per §7.3.3
§5.1.7.A, §5.1.13	Request to allow more than two parking stalls within the side setback	S.P. per §7.3.3





# City of Newton, Massachusetts

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## Newton Historical Commission Demolition Review Decision

**Date:** January 13, 2026      **Application #** HRA-26-7

**Address of structure:** 224 MELROSE ST

**Type of building:** Garage

If partial demolition, feature to be demolished is

The building or structure is:

- in a National Register historic district or in a historic district eligible for listing
- individually listed on the National Register or individually eligible for listing.
- importantly associated with historic person(s), events, or architectural or social history
- historically or architecturally important for period, style, architect, builder, or context.
- in a local historic district not visible from a public way

is  **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.  
Demolition is not delayed and no further review is required.

Determination made by:

David Lewis, Chief Preservation Planner

Kimberly Crocker, Senior Preservation Planner

Preserving the Past Planning for the Future

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 construct a two-story detached accessory building with an office for a home business on the first story and an ADU above, a home business that exceeds 30% of the ground floor area of the dwelling, and more than two parking stalls within the side setback for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site an appropriate location for the proposed two-story accessory building as designed as the relocation of the proposed structure brings it into compliance with the primary dwelling's dimensional side setbacks. (§7.3.3.C.1)
2. The detached accessory building will not adversely affect the neighborhood as the relocation of the structure further away from the northern lot line will increase the distance of the structure from a residential abutter. (§7.3.3.C.2)
3. The detached accessory building will not be a nuisance or serious hazard to vehicles or pedestrians as the structure is set back behind the primary dwelling and set back from the street. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as the proposed driveway expansion allows sufficient space to meet the required number of dimensionally-compliant parking stalls on site. (§7.3.3.C.4)
5. Literal compliance with number of parking stalls allowed within the side setback is impracticable due to the dimensions and configuration of the existing driveway on site, which allows for dimensionally-compliant parking stalls arranged in tandem. (§5.1.13)

PETITION NUMBER: #69-26

PETITIONER: Benjamin Grace and Naomi Bass Grace

LOCATION: 224 Melrose Street, Ward 4, Newton, on land known as Section 41 Block 17 Lot 25, containing approximately 15,750 sq. ft. of land in a district zoned Single Residence 3

OWNER: Benjamin Grace and Naomi Bass Grace

ADDRESS OF OWNER: 224 Melrose Street  
Newton, MA

TO BE USED FOR: Residential Use

RELIEF GRANTED: Special Permit Relief per Sec. 7.3.3 and 5.1.13

- To allow a home business in an detached accessory building (§6.7.3.B.1.k.iv)
- To allow a home business to exceed 30% of the ground floor area of the dwelling (§6.7.3.B.1.b)
- To allow more than two parking stalls within the side setback (§5.1.7.A, §5.1.13)

ZONING: Single Residence 3

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping, signage, and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. Site Plan, titled “Plan Showing Proposed A.D.U. 224 Melrose Street Newton MA Middlesex County” prepared by D. O’Brien Land Surveying, dated 7/30/2025 as revised through 1/14/2026 signed and stamped by Dennis O’Brien, Professional Land Surveyor.
  - b. Architectural Plans, titled, “Bass/Grace Residence” prepared by Cynthia Davis Sachs, Registered Architect, dated November 5, 2025, consisting of the following sheets:
    - i. Floor Plan, AA.1
    - ii. Elevations, AA.2

iii. Elevation, AA.3

2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
  - b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1.
  - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.