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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: October 12, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: Oscar Escobar, Applicant  
Property Development LLC  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to extend a nonconforming single-family structure, to further exceed nonconforming FAR and lot coverage, to further reduce nonconforming open space and for an oversized dormer**

Applicant: Oscar Escobar	
Site: 961 Walnut Street	SBL: 52014 0001
Zoning: MR1	Lot Area: 1,588 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 961 Walnut Street consists of a 1,588 square foot lot improved with a single-family dwelling constructed in 1875 in the Multi Residence 1 zoning district. The property is abutted on the two rear boundaries by the Sudbury Aqueduct. The petitioner intends to raze the existing dwelling and construct a new single-family dwelling on the same foundation, requiring a special permit to extend several nonconformities and to allow an oversized dormer.

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

- Zoning Review Application, prepared by Oscar Escobar, applicant, submitted 9/3/2021
- Site Plan of Land, signed and stamped by Bruce Bradford, surveyor, and Michael Kosmo, engineer, dated 6/4/2021
- FAR worksheet, submitted 9/3/2021
- Floor Plans and Elevations, signed and stamped by Michael Heller, architect, dated 8/23/2021

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner proposes to raze the existing single-family dwelling and construct a single-family dwelling on the existing foundation. The existing dwelling has a nonconforming 0.0-foot front setback where 25 feet is required per section 3.2.3. The petitioner proposes to increase the overall height of the dwelling, vertically increasing the nonconforming front setback requiring a special permit per section 7.8.2.C.2.
2. The existing 1,744 square foot dwelling on the 1,588 square foot lot results in a nonconforming FAR of 1.1 where .58 is the maximum allowed per sections 3.2.3 and 3.2.11. The proposed construction further increases the nonconforming FAR to 1.2, requiring a special permit per sections 3.2.3, 3.2.11 and 7.8.2.C.2.
3. The parcel has an existing nonconforming lot coverage of 46.4% where 30% is the maximum allowed per section 3.2.3. The proposed construction further increases the nonconforming lot coverage to 51.2%, requiring a special permit per sections 3.2.3 and 7.8.2.C.2.
4. The parcel has an existing nonconforming open space of 31% where 50% is the minimum required per section 3.2.3. The proposed construction further reduces the nonconforming open space to 22%, requiring a special permit per sections 3.2.3 and 7.8.2.C.2.
5. Per section 1.5.4.G.2.b a dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. The petitioner proposes to construct a dormer on the northern elevation measuring nine feet in length, where the wall below measures 11.5 feet, resulting in a dormer that is 78% of the wall below. A special permit is required to allow for a dormer that is 78% of the length of the wall plane below it.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	<b>1,588 square feet</b>	No change
Frontage	70 feet	<b>61.5 feet</b>	No change
Setbacks			
• Front	25 feet	<b>0.0 feet</b>	<b>No change*</b>
• Side	7.5 feet	12.4 feet	No change
• Rear	0 feet**	0 feet	No change
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	21.9 feet	34.4 feet
FAR	.58	<b>1.1</b>	<b>1.2*</b>
Max Lot Coverage	30%	<b>46.4%</b>	<b>51.2%*</b>
Min. Open Space	50%	<b>31%</b>	<b>22%*</b>

\*Requires relief

\*\*No setback is required abutting an aqueduct

Figures in **Bold** are nonconforming

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3 §7.8.2.C.2	Request to extend a nonconforming front setback	S.P. per §7.3.3
§3.2.3 §3.2.11 §7.8.2.C.2	Request to further extend nonconforming FAR	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	Request to further increase nonconforming lot coverage	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	Request to further decrease nonconforming open space	S.P. per §7.3.3
§1.5.4.G.2.b	Request to allow an oversized dormer	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

1. Two (2) copies of the completed Special Permit Application (signed by property owner)
2. Filing Fee (see Special Permit Application)
3. Two (2) copies of the Zoning Review Memorandum
4. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
5. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
6. One (1) copy of any previous special permits or variances on the property (as applicable)
7. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
8. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? **Y/N**