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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: December 14, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan Flint and Christine Greco, Applicants  
Laurance Lee, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

**RE: Request to further increase nonconforming FAR and lot coverage**

Applicant: Alan Flint & Christine Greco	
<b>Site:</b> 162 Middlesex Road	<b>SBL:</b> 63033 0010
<b>Zoning:</b> SR1	<b>Lot Area:</b> 15,308 square feet (and 2,868 square feet)
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 162 Middlesex Road consists of a 15,308 square foot lot improved with a single-family dwelling constructed circa 1909 and an accessory structure as well as an additional unimproved 2,868 square foot parcel. The property is a split lot, with the frontage in Brookline and the remaining three-quarters of the property in Newton. The petitioners propose to construct side and rear additions. The proposed additions will further increase the nonconforming FAR and lot coverage, requiring a special permit.

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

- Zoning Review Application, prepared by Laurance Lee, attorney, submitted 7/26/2021
- Plan of Land, prepared by Henry F. Bryant and Son, Engineer, dated 6/12/1940
- Proposed Plot Plan, signed and stamped by Joseph M. Small, surveyor, dated 7/16/2021
- FAR worksheet, signed and stamped by Kenton L Duckham, Architect, dated 7/26/2021
- Floor plans and elevations, signed and stamped by Kenton L Duckham, architect, dated 7/21/2021
- Zoning Legend, prepared by Duckham Architecture & Interiors, submitted 11/8/2021

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners intend to construct a single-story side addition and a two-story rear addition. The additions add 633 square feet resulting in a total of 8,019 square feet, inclusive of the 3,164 square feet in the accessory structure. The existing nonconforming FAR is .48, where .29 is the maximum allowed per section 3.1.9. The proposed additions further increase the nonconforming FAR to .52, requiring a special permit pursuant to Sections 3.1.3, 3.1.9 and 7.8.2.C.2.
2. The lot has an existing nonconforming lot coverage of 22.4% where 20% is the maximum allowed per section 3.1.3. The proposed additions further increase the nonconforming lot coverage to 26.1%, requiring a special permit per section 7.8.2.C.2.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	15,308 square feet	No change
Frontage	100 feet	128 feet	No change
Setbacks - Principal			
• Front	25 feet	<b>21.8 feet</b>	<b>No change</b>
• Side	12.5 feet	<b>12.3 feet</b>	<b>No change</b>
• Side	12.5 feet	55.9 feet	39 feet
• Rear	25 feet	54.6 feet	48.8 feet
Setbacks - Accessory			
• Front	25 feet	>25 feet	No change
• Side	5 feet	69.5 feet	No change
• Side	5 feet	8.9 feet	No change
• Rear	5 feet	7.3 feet	No change
Max Number of Stories	2.5	<b>3</b>	<b>No change</b>
Max Height	36 feet	<b>41.2 feet</b>	<b>No change</b>
FAR	.29	<b>.48</b>	<b>.52*</b>
Max Lot Coverage	20%	<b>22.4%</b>	<b>26.1%*</b>
Min. Open Space	65%	68.1%	66%

Nonconformities are indicated in **bold**

\*Indicates relief is required

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3, §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further increase nonconforming lot coverage	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:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. 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)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. 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