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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: December 20, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Lee Silverstone, Architect  
Beth Silverberg Marx and Daniel Marx, Applicants  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to amend Special Permit #18-15**

<b>Applicant: Beth Silverberg Marx and Daniel Marx</b>	
<b>Site:</b> 17 Cushing Street	<b>SBL:</b> 52027 0010
<b>Zoning:</b> SR2	<b>Lot Area:</b> 8,640 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

### **BACKGROUND:**

The property at 17 Cushing Street consists of an 8,640 square foot lot improved with a single-family dwelling constructed circa 1910 and a detached one-car garage. The property is subject to Special Permit #18-15 which granted relief from FAR for a two-story rear addition and to extend the nonconforming front setback to construct a porch. The front porch was constructed, however the rear addition was never built. The petitioners now propose to construct a single-story addition an internal accessory apartment as well as a detached two-car garage. The proposed construction will not exceed the .50 FAR granted by the special permit, but will require an amendment to Special Permit #18-15 for the new design.

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

- Zoning Review Application, prepared Lee Silverstone, architect, dated 11/18/2021
- Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 12/8/2021, revised 12/13/2021
- Floor Plans and Elevations, prepared by SB Architects, dated 11/16/2020
- FAR calculations, dated 11/15/2021

## ADMINISTRATIVE DETERMINATIONS:

1. The property was granted Special Permit 18-15 in 2015 to allow a two-story rear addition with an FAR of .50 and to extend an existing nonconforming front setback to construct a porch. The front porch was constructed, however the rear addition was not. The proposed construction requires an amendment to Special Permit #18-15 to revise the approved plans and FAR.
2. The petitioners propose to construct a one-story addition of an internal accessory apartment. Per section 6.7.1.D.2, an internal accessory apartment may be no larger than 33% of the total habitable space of the dwelling or 1,000 square feet, whichever is less. The proposed apartment is 667 square feet, which is 21% of the total habitable space of the 3,146 square foot dwelling, requiring no relief.
3. The 2015 special permit granted relief for FAR up to .50 for a two-story rear addition, which was never constructed. The current proposed addition increases the FAR from .34 to .45. An amendment to Special Permit #18-15 is required to reflect the changes to the proposed plan and maximum FAR.
4. Per section 1.5.2.D.2, the lot coverage requirements of section 3.1.3 shall not apply to the construction of a garage accessory to a single- or two-family dwelling built prior to December 27, 1922. The subject dwelling was constructed circa 1910. As such the maximum lot coverage requirement of 30% does not apply to the proposed garage. With the garage removed from the figure, the proposed lot coverage increases from 19.5% to 25.3% with the construction of the addition.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	<b>8,640 square feet</b>	<b>No change</b>
Frontage	80 feet	90 feet	No change
Setbacks - Principal			
• Front	25 feet	<b>13.4 feet</b>	<b>No change</b>
• Side	7.5 feet	50.2 feet	19.1 feet
• Side	7.5 feet	11.2 feet	No change
• Rear	15 feet	16.8 feet	15.1 feet
Setbacks - Accessory			
• Front	25 feet	>50 feet	25 feet
• Side	5 feet	26.3 feet	6.6 feet
• Side	5 feet	>50 feet	±60 feet
• Rear	5 feet	7.3 feet	46 feet
Height			
• Principal	36 feet	31.9 feet	32.4 feet
• Accessory	22 feet		21.9 feet
Stories			
• Principal	2.5	2.5	No change
• Accessory	1.5	1	1.5
FAR	.40 (.50 by SP #18-15)	.34	<b>.45*</b>
Max Lot Coverage	30%	19.5%	25.3%
Min. Open Space	50%	73%	61%

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Special Permit #18-15	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