



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

**#191-22**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: March 8, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Peter Sachs, Architect  
Atish and Roli Choudhury Kumar, Applicants  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: Request to further exceed nonconforming FAR

**Applicant: Atish & Roli Choudhury Kumar**

<b>Site:</b> 52 Oldham Road	<b>SBL:</b> 32024 0043
<b>Zoning:</b> SR2	<b>Lot Area:</b> 11,639 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 52 Oldham Road consists of an 11,639 square foot corner lot improved with a single-family dwelling constructed in 1936. The petitioner proposes to construct a two-story addition at the rear the dwelling as well as filling in below an existing porch. The proposed construction will further extend the nonconforming FAR, requiring a special permit.

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

- Zoning Review Application, prepared Peter Sachs, architect, dated 2/3/2022
- Topographic Site Plan-Existing Conditions, prepared by VTP, surveyor, dated 7/1/2021
- Topographic Site Plan-Proposed Conditions, signed and stamped by Joseph R. Porter, surveyor, dated 2/1/2022
- Floor Plans and Elevations, signed and stamped by Peter Sachs, architect, dated 8/27/2021, revised 1/11/2022
- FAR calculations, submitted 2/3/2022

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to construct a two-story rear addition, as well as enclosing below a rear porch. The proposed construction increases the nonconforming FAR from .43 to .52, where .36 is the maximum allowed per sections 3.1.3 and 3.1.9. A special permit per sections 3.1.9 and 7.8.2.C.2 is required to further extend nonconforming FAR.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	11,639 square feet	No change
Frontage	80 feet	104 feet	No change
Setbacks			
• Front	25 feet	25.8 feet	No change
• Side	7.5 feet	9.1 feet	No change
• Side	7.5 feet	11.5 feet	No change
• Rear	15 feet	55.4 feet	No change
Height	36 feet	31.89 feet	31.93 feet
Stories	2.5	<b>3</b>	<b>No change</b>
FAR	.36	<b>.43</b>	<b>.52*</b>
Max Lot Coverage	30%	18.4%	21.3%
Min. Open Space	50%	78.8%	73.9%

Figures in **BOLD** are nonconforming

\*Requires relief

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further extend nonconforming FAR	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