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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 11, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Aguimar Desouza, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to extend a nonconforming two-family dwelling use and to exceed FAR

Applicant: Aguimar Desouza	
Site: 1766-1768 Commonwealth Avenue	SBL: 43008 0004
Zoning: SR2	Lot Area: 12,880 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 1766-1768 Commonwealth Avenue consists of two parcels totaling 12,880 square feet in the Single Residence 3 zoning district improved with a nonconforming two-family dwelling constructed in 1938. The petitioner proposes to combine the two parcels and construct additions to the dwelling, requiring a special permit.

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

- Zoning Review Application, prepared by Aguimar Desouza, applicant, submitted 2/21/2022
- Floor plans and elevations, Flow Design Architects, dated 5/3/2022
- Existing Plot Plan, prepared by Scott M Cerrato, surveyor, dated 12/15/2021
- Proposed Plot Plan, prepared by Scott M Cerrato, surveyor, dated 4/1/2022
- Proposed Site Plan, prepared by Flow Design Architects, dated 5/3/2022
- FAR worksheet, submitted 2/21/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner’s parcel contains two lots; a 6,300 square foot parcel improved with the dwelling and a 6,580 square foot vacant parcel which are considered merged for the purposes of zoning. The petitioner proposes to eliminate the interior lot line resulting in a single 12,880 square foot lot.
2. The property is located in the Single Residence 2 zoning district and is improved with a legal nonconforming two-family dwelling. The petitioner proposes to construct an 880 square foot addition to the dwelling, requiring a special permit per sections 3.4.1 and 7.8.2.C.2 to extend a nonconforming two-family dwelling in an SR2 district.
3. The proposed 880 square foot addition increases the FAR from .24 to .43 where .35 is the maximum allowed per sections 3.1.3 and 3.1.9 for a 12,880 square foot lot in the SR2 district. Per section 3.1.9.A.2 a special permit is required to exceed FAR.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	6,580 & 6,300 square feet	12,880 square feet
Frontage	80 feet	93.6 feet	No change
Setbacks			
• Front (Commonwealth Ave)	25 feet	24.2 feet	No change
• Front (Washington St)	25 feet	>90 feet	90.1 feet
• Side	7.5 feet	8 feet	No change
• Rear	15 feet	9.6 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.35	.24	.43*
Max Lot Coverage	30%	14.2%	18.9%
Min. Open Space	50%	72.1%	52%

*Requires relief
BOLD indicates nonconformity

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to extend a nonconforming two-family dwelling use	S.P. per §7.3.3
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3