



**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459  
617-796-1120

Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

**DATE:** February 2, 2023

**TO:** City Council

**FROM:** Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Joseph Iadonisi, Senior Planner

**SUBJECT:** **Petition #81-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story rear addition which will further extend the nonconforming FAR at 21 Marvin Lane, Ward 8, Newton Centre, on land known as Section 84 Block 30 Lot 10, containing approximately 11,333 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



**21 Marvin Ln.**

**Project Description**

**Background**

The subject property at 21 Marvin Ln. consists of a single-family dwelling constructed circa 1950 with approximately 5,418 square feet of floor area atop an 11,333 square foot lot. The property is located in the Single-Residence zone (SR2) and is surrounded by single-family homes in the SR2 zone. The petitioners seek to add approximately 355 square feet of floor area with a proposed addition of living space to the rear of the property.

**Special Permit**

The proposed addition to the rear of the building increases the nonconforming FAR to .50 where .37 is allowed and .48 currently exists. Due to the limited size and proposed location of this addition, the property will continue to meet all other zoning requirements and will not require any additional relief.

**Analysis**

Planning is unconcerned with the proposed Special Permit project. The applicants propose a one-story addition of approximately 355 square feet of gross floor area to the rear of the building, partially located where an existing deck currently is. The addition is unlikely to be visible from the street and unlikely to cause any nuisance to the surrounding neighborhood as it is small in scale, only to the rear of the building, and in keeping with the character of the neighborhood.

I. Zoning Relief Requested:

<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

For more details around the zoning analysis please refer to **Attachment A**.

II. Criteria for Consideration per §7.3.3. and/or §7.8.2.C.2:

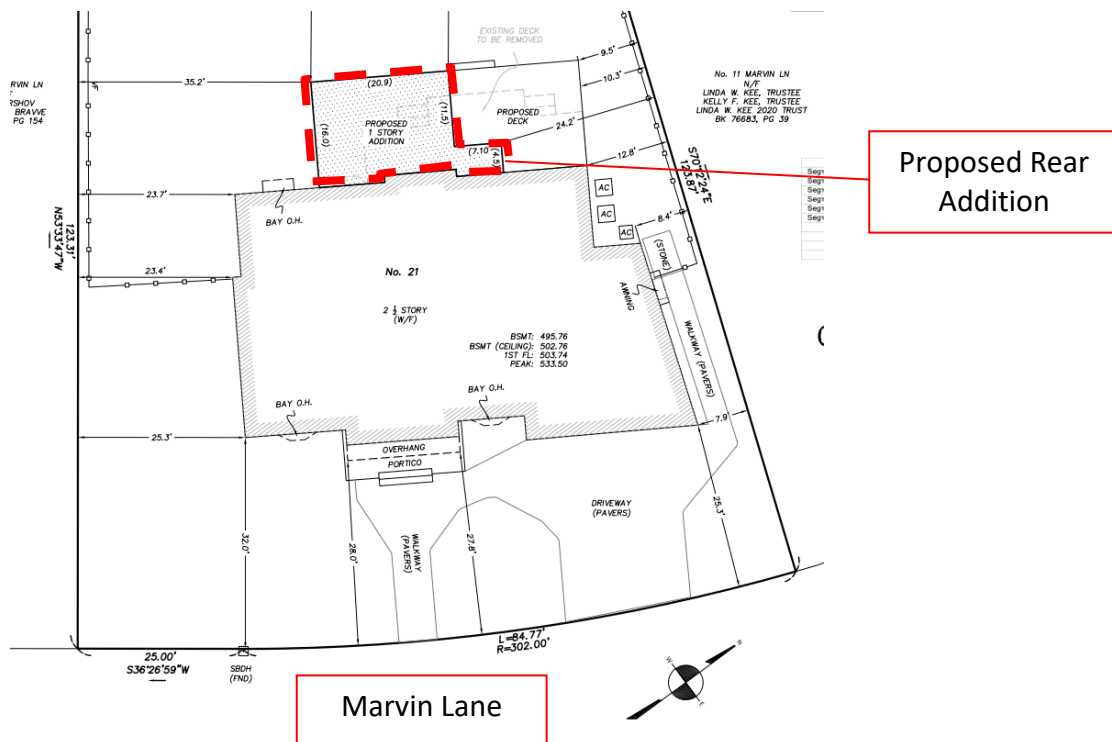
- The proposed additions that increase the Floor Area Ratio from .48 to .50 where .37 is the maximum allowed by right are not substantially more detrimental than the existing nonconforming use to the neighborhood. (§7.8.2.C.2)
- The proposed additions that increase the Floor Area Ratio from .48 to .50 where .37 is the maximum allowed by right are consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, §3.1.9)

III. Project Proposal and Site Characteristics

A. Site - Existing Conditions

The property at 21 Marvin Ln. currently has a 5,418 square foot gross floor area single-family dwelling on an 11,333 square foot lot constructed circa 1950. The property meets all zoning requirements with the exception of the Floor Area Ratio (FAR) with a .48 FAR where .37 is the maximum allowed.

Existing and Proposed Conditions- Site Plan



PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

If approved, the use will remain a single-family dwelling.

B. Site and Building Design

The petitioner seeks to remove an existing deck to the rear of the property and construct a new single story living area to the rear of the dwelling. The proposed changes add approximately 355 square feet of floor area to the dwelling, bringing the dwelling to a total of 5,773 square feet in floor area and a FAR of .50. Additional work

within the scope of this project, but not subject to the special permit is the addition of a deck to the rear of the dwelling and adjacent to the proposed addition, and internal renovations.

### Proposed Conditions- Elevations

Existing Front Elevation



Proposed Front Elevation



Existing Left Elevation



Proposed Left Elevation



Existing Right Elevation



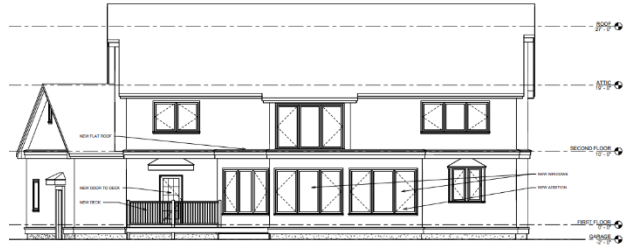
Proposed Right Elevation



Existing Rear Elevation



Proposed Rear Elevation



C. Parking and Circulation

This petition contains no proposals that will impact parking or circulation.

IV. Interdepartmental Review:

No additional reviews are required.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

**Attachment A:** Zoning Review Memorandum

**Attachment B:** DRAFT Council Order



**Ruthanne Fuller**  
Mayor

**City of Newton, Massachusetts**  
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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: November 1, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Thiagarajan and Sudha Sridhar, Applicants  
Ivan Hernandez, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to further extend nonconforming FAR**

Applicant: Thiagarajan and Sudha Sridhar	
Site: 21 Marvin Lane	SBL: 84030 0010
Zoning: SR2	Lot Area: 11,333 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 21 Marvin Lane consists of an 11,333 square foot lot improved with a single-family dwelling constructed in 1950, with a second story added in 2006. The petitioner proposes to construct a single-story rear addition which 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 Ivan Hernandez, architect, submitted 10/13/2023
- Certified Plot Plan, signed and stamped by George C. Collins, surveyor, dated 7/27/2023
- Floor Plans and Elevations, prepared by I.S. Hernandez Services INC, architect, dated 5/25/2023, revised 6/11/2023, 6/24/2023, 6/29/2023, 7/28/2023
- FAR calculations, submitted 10/13/2023

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner proposes to construct a 271 square foot single-story rear addition consisting of a kitchen expansion over space currently used as a deck. The proposed construction increases the nonconforming FAR from .48 to .50, where .37 is the maximum allowed per sections 3.1.3 and 3.1.9, requiring a special permit per section 7.8.2.C.2.

<b>SR2 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	10,000 square feet	11,333 square feet	No change
Frontage	80 feet	110 feet	No change
Setbacks			
• Front	25 feet	27.8 feet	No change
• Side	7.5 feet	23.4 feet	No change
• Side	7.5 feet	7.9 feet	No change
• Rear	15 feet	39.5 feet	No change
Height	36 feet	31.9 feet	No change
Stories	2.5	2.5	No change
FAR	.37	<b>.48</b>	<b>.50*</b>
Max Lot Coverage	30%	22.6%	25%
Min. Open Space	50%	69.1%	67.8%

**BOLD** indicates a nonconformity

\*Relief required

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

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow for an addition that vertically extends a nonconforming front setback given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed additions that increase the Floor Area Ratio from .48 to .50 where .37 is the maximum allowed by right are not substantially more detrimental than the existing nonconforming use to the neighborhood given the proposed additions are to the rear of the dwelling and only a single-story. (§7.8.2.C.2)
2. The proposed additions that increase the Floor Area Ratio from .48 to .50 where .37 is the maximum allowed by right are consistent with and not in derogation of the size, scale and design of other structures in the neighborhood given the proposed additions are only 355 square feet total and closely match the size, scale, and design of the surrounding neighborhood. (§3.1.3, §3.1.9)



PETITION NUMBER: #81-24

PETITIONER: Ivan Hernandez

LOCATION: 21 Marvin Lane, Ward 8, Newton Centre, on land known as Section 84 Block 30 Lot 10, containing approximately 11,333 sq. ft. of land

OWNER: Thiagarajan and Sudha Sridhar

ADDRESS OF OWNER: 21 Marvin Lane  
Newton, MA 02459

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §3.1.3 and §3.1.9 to further extend nonconforming Floor Area Ratio

ZONING: Single Residence 2

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. Plot Plan signed, stamped, and dated by George C. Collins, Professional Land Surveyor, dated December 7, 2023.
  - b. Architectural plan signed, stamped, and dated by Erion Nikkola, Registered Architect, dated December 5, 2023 consisting of the following sheets:
    - i. Proposed elevations (showing front and right), A15
    - ii. Proposed elevations (showing rear and left) A16
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
  - b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.

3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with for the portion of the project for which occupancy is requested and the Petitioner has:
  - a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1.
  - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.