



## City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

617-796-1120

Ruthanne Fuller  
Mayor

Barney Heath  
Director

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### PUBLIC HEARING MEMORANDUM

**DATE:** June 14, 2024

**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 #256-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 58 square foot addition to the kitchen further extending the nonconforming FAR at 124 Hunnewell Avenue, Ward 1, Newton, on land known as Section 71 Block 31 Lot 05, containing approximately 6,820 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. 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.



**124 Hunnewell Ave.**

I. Project Description

*Use* – single-family dwelling

*Zone* – Single Residence 3

*Lot size* – 6,820 square feet

*Existing Nonconformities* – Floor Area Ratio

*Proposal*- The petitioner is seeking to construct a 58 square foot addition to the kitchen that will increase the Floor Area Ratio (FAR) from .57 to .58.

*Analysis*

The proposed addition will likely have minimal impact on the appearance of the dwelling from the street and the nearby structures. The existing dwelling with a small 58 square foot addition will continue to be in keeping with the size and scale of the surrounding dwellings. Further, the addition is limited to the rear half of the dwelling and first floor and will have minimal visual impact on the appearance of the dwelling from the street. A further mitigating factor is that the dwelling was constructed in 1900 on a 6,820 square foot lot, prior to the adoption of the Zoning Ordinance. There are no records of a prior Special Permit or other Building Permit to add gross floor area, so the dwelling has already exceeded Floor Area Ratio and is left with no options for adding gross floor area without a Special Permit. Per Section 7.8.2.B.1.e, no de minimis relief applies where “the nonconformity is due solely to FAR requirements.”

II. 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	<b>Request to further increase nonconforming FAR</b>	<b>S.P. per §7.3.3</b>

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

III. Criteria for Consideration per §7.8.2.C.2:

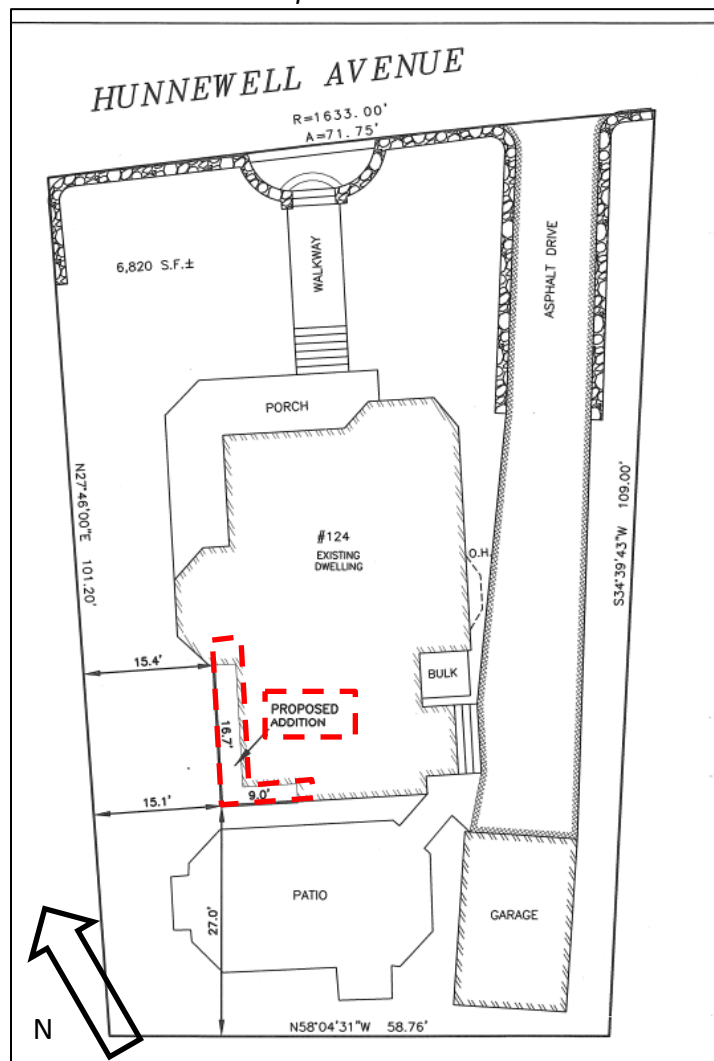
- The proposed addition is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.1.3, §3.1.9)
- The proposed addition will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§7.3.3.C.1)

IV. Project Proposal and Site Characteristics

The proposed project would consist of a single-story addition to the rear and right side of the

house. Intended to create additional kitchen space, the proposal would extend the building nine feet along the rear in line with the existing rear façade and an additional 16.7 feet along the right façade, connecting to an existing bay. The additional 58 square feet would not decrease the right/west side setback given the bay extends further towards the lot line, however, the proposed addition would decrease the rear setback by 0.4 feet. Other than the increase from .57 to .58 for Floor Area Ratio where 0.48 is required, all setbacks and other zoning dimensions will remain in compliance with the Zoning Ordinance.

*Proposed Site Plan*



*Proposed Elevations*

Front/North Elevation



Left/East Elevation



South/Rear Elevation



West/Right Elevation



I. Interdepartmental Review

No departmental review is required.

II. Petitioner's Responsibilities

The petition is complete.

**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: May 9, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Kate Barton, Applicant  
Bee Howes, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

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

Applicant: Kate Barton	
Site: 124 Hunnewell Avenue	SBL: 71031 0005
Zoning: SR3	Lot Area: 6,820 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 124 Hunnewell Avenue consists of a 6,820 square foot lot improved with a single-family dwelling constructed circa 1890 in the SR3 zoning district. The petitioner proposes to construct a 58 square foot addition to the kitchen which further extends 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 by Bee Howes, architect, submitted 12/14/2023
- Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 8/13/2002
- Plan of Land Proposed Additions, signed and stamped by Bruce Bradford, surveyor, dated 3/11/2024
- Floor Plans and Elevations, prepared by Bee Howes, architect, submitted 4/3/2024
- FAR calculations, submitted 4/3/2024

**ADMINISTRATIVE DETERMINATIONS:**

- The petitioner proposes to construct a 58 square foot kitchen addition on the first floor which wraps around the rear right corner. The proposed addition increases the existing nonconforming FAR from .57 to .58 where the maximum allowed per sections 3.1.3 and 3.1.9 is .48. A special permit per section 7.8.2.C.2 is required to further increase the nonconforming FAR.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	<b>6,820 square feet</b>	<b>No change</b>
Frontage	70 feet	71 feet	No change
Setbacks			
• Front	25 feet	27 feet	No change
• Side	7.5 feet	9.7 feet	No change
• Side	7.5 feet	22.2 feet	No change
• Rear	15 feet	27.4 feet	27 feet
Height	36 feet	17.9 feet	28.9 feet
Stories	2.5	<b>3</b>	<b>No change</b>
FAR	.48	<b>.57</b>	<b>.58*</b>
Max Lot Coverage	30%	25.7%	26.5%
Min. Open Space	50%	61%	60%

**BOLD** indicates a nonconformity

\*Relief required

- 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 increase 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 further increase the nonconforming floor area ratio (FAR) as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed increase in the nonconforming FAR from .57 to .58 where .48 is the maximum allowed by right is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood given the small lot size and similar scale to other dwellings on the street. (§3.1.3, §3.1.9)
2. The proposed addition, which will further the nonconforming FAR, is not substantially more detrimental than the existing nonconforming use to the neighborhood, as the additional floor area is located to the rear and side, limited to the first floor. Further, the addition will only result in an increase of 58 square feet in area and .01 in FAR. (§7.8.2.C.2)

PETITION NUMBER: #256-24

PETITIONER: Kate Barton

LOCATION: 124 Hunnewell Avenue, Newton, on land known as Section 71 Block 31 Lot 05, containing approximately 6,820 sq. ft. of land

OWNER: Kate Barton

ADDRESS OF OWNER: 124 Hunnewell Ave.  
Newton, MA 02458

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §7.3.3 to extend the nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)

ZONING: Single Residence 3

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 Bruce Bradford, Professional Land Surveyor, dated March 11, 2024.
  - b. Architectural plans prepared by Bee Howes, Registered Architect submitted May 13, 2024 consisting of the following sheets:
    - i. Proposed elevations (showing front and left), A2.1
    - ii. Proposed elevations (showing rear and right), A2.2
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.