



Ruthanne Fuller  
Mayor

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

Petition: #290-24  
Public Hearing: 7/23/24

Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

**DATE:** July 19, 2024

**TO:** City Council

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

**SUBJECT:** **Petition #290-24**, for SPECIAL PERMIT/SITE PLAN APPROVAL to vertically extend nonconforming front setbacks at 224 Adams Avenue

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**224 Adams Avenue**

I. Project Description

**Current Use:** Single family residential

**Zoning:** SR-3

**Lot size:** 5,309 square feet, corner lot

**Existing nonconformities:**

- 23.3 foot front setback where 25 feet is required (Adams Avenue)
- 14.8 foot front setback where 25 feet is required (Howard Street)
- Lot size of 5,309 square feet (7,000 square feet required)

**Proposal:** The petitioners seek to construct a second story within the existing dwelling's footprint. As the lot is a corner lot, the addition will vertically extend the nonconforming the front setbacks on both Adams Avenue and Howard Street, requiring a special permit. [The project materials can be found here.](#)

**Analysis:** The Planning Department has no concern with the petition that would further extend the nonconforming front setbacks. The work proposed is within the footprint of the existing building, and the relief required is limited only to the extension of an existing nonconformity. Staff believe that increasing the dwelling from one and a half to two stories will allow for a larger structure while keeping the structure in a similar scale with other homes in the neighborhood.

II. Zoning Relief Requested:

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

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	To vertically extend two nonconforming front setbacks	S.P. per §7.3.3

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

- The proposed extensions of the nonconforming setbacks from Adams Ave and Howard Street are substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)

IV. Project Proposal and Site Characteristics

A. Site

224 Adams Avenue consists of a 5,309 square foot lot which is improved with a one and a

half story Cape style house on a corner lot. The lot is undersized at 5,309 square where 7,000 square feet is required. Both front setbacks are nonconforming with a 23.3 foot setback from Adams Avenue and a 14.8 foot setback from Howard Street, where a 25 foot setback is required for both. The site is relatively level.

The petitioner proposes to add a full second story to their house, increasing from 1.5 to 2 stories where up to 2.5 stories is allowed by right. This addition will be largely within the footprint of the existing home, with the exception of a one foot overhang that will extend over the rear side of the building. Though the setbacks will remain the same, the work will vertically extend both conconforming front setbacks which requires special permit relief. No relief is required for minimum open space, maximum lot coverage, or for FAR which is proposed at .33, where existing FAR is .27 and up to .48 is allowed by right. Gross floor area will increase from 1,434 square feet to 1,756 square feet.

**Proposed elevation-front**



**Proposed elevation-right**



**Proposed elevation-rear**



**Proposed elevation-left**



V. Interdepartmental Review

The existing dwelling on the site was constructed in 1924. At a Newton Historical Commission meeting held on May 28, 2024, the NHC discussed this item and determined that the property is historically significant. **(Attachment B)** A motion to preferably preserve the property failed, so there is no demolition delay for the partial demolition requested by the petitioner. Review from other departments is not required at this time.

VI. Petitioner's Responsibilities

The petition is considered complete.

**ATTACHMENTS:**

- Attachment A:** Zoning Review Memorandum
- Attachment B:** NHC memo
- Attachment C:** DRAFT Council Order



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Department of Planning and Development  
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Attachment  
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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: April 8, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Jean Wong, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

RE: Request to vertically extend nonconforming front setbacks

Applicant: Jean Wong	
Site: 224 Adams Avenue	SBL: 34035 0008
Zoning: SR3	Lot Area: 5,309 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 224 Adams Avenue consists of a 5,309 square foot corner lot improved with a single-family dwelling constructed in 1924. A detached one-car garage was constructed in 1926 with a nonconforming front setback from Howard Street. The petitioners seek to construct a full second story, vertically extending nonconforming front setbacks from both Adams Avenue and Howard Street, requiring a special permit.

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

- Zoning Review Application, prepared by Jean Wong, applicant, dated 3/6/2024
- Plan Showing Proposed Addition, signed and stamped by Dennis B. O'Brien, surveyor, dated 2/27/2024
- Floor plans and elevations, dated 7/3/2021
- FAR calculation, submitted 3/6/2024

**ADMINISTRATIVE DETERMINATIONS:**

- The existing 1.5-story single family dwelling has a nonconforming front setback of 23.3 feet from Adams Avenue and 14.8 feet from Howard Street where 25 feet is required per section 3.1.3 in both cases. The petitioner proposes to construct a full second story on the dwelling, vertically extending both nonconforming setbacks, requiring a special permit per sections 3.1.3 and 7.8.2.C.2.

<b>SR3 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	7,000 square feet	<b>5,309 square feet</b>	<b>No change</b>
Frontage	70 feet	85 feet	No change
Setbacks			
• Front (Adams Avenue)	25 feet	<b>23.3 feet</b>	<b>No change*</b>
• Front (Howard Street)	25 feet	<b>14.8 feet</b>	<b>No change*</b>
• Side	7.5 feet	8 feet	No change
• Rear	15 feet	>35 feet	No change
Max Number of Stories	2.5	1.5	2
Max Height	36 feet	22.2 feet	29.5 feet
Max Lot Coverage	30%	18.3%	18.8%
Min. Open Space	50%	61.7%	61.2%

Nonconformity indicated in **BOLD**

\*Requires relief

- See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	To vertically extend two nonconforming front setbacks	S.P. per §7.3.3

#290-24  
224 Adams Avenue

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 vertically extend two nonconforming front setbacks as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed alterations of the nonconforming front setbacks are not substantially more detrimental than the existing nonconforming structure because the project adheres to other applicable dimensional regulations such as Floor Area Ratio and height. (§7.8.2.C.2)

PETITION NUMBER: #290-24

PETITIONER: Jean and Wilson Wong

LOCATION: 224 Adams Avenue, Ward 4, West Newton, on land known as Section 34 Block 35 Lot 08, containing approximately 5,309 sq. ft. of land

OWNER: Jean and Wilson Wong

ADDRESS OF OWNER: 224 Adams Avenue  
West Newton, Massachusetts 02465

TO BE USED FOR: Single Family dwelling

RELIEF GRANTED: Special Permit per §3.1.3 and §7.8.2.C.2 to vertically extend two nonconforming front setbacks

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. A plot plan prepared by Dennis O'Brien Land Surveying, signed and stamped by Dennis O'Brien, professional land surveyor, dated 2/27/2024
  - b. A set of architectural plans, signed and stamped by Lisa Hoang, registered architect, dated 5/30/2024
    - i. Building elevations (Sheet A1.1)
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 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, including the as built FAR.
  - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.