



# City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

**Ruthanne Fuller**  
Mayor

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

**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: September 17, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Joseph A. DeNucci, Applicant  
Terrence P. Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request for a special permit to exceed FAR, to extend a nonconforming three-story structure and to extend a nonconforming two-family dwelling**

Applicant: Warwick Road101 LLC	
Site: 101-103 Warwick Road	SBL: 31 28 0055
Zoning: SR3	Lot Area: 6,377 square feet
Current use: Two-Family Dwelling	Proposed use: No Change

### BACKGROUND:

The property at 101-103 Warwick Road consists of a 6,377 square foot lot improved with a nonconforming two-family dwelling built in 1920 in the SR3 zoning district. The petitioner proposes to construct a rear addition to the existing dwelling. The proposed addition requires a special permit to extend the nonconforming two-family dwelling use, to extend a nonconforming 3.5 story structure and further extend the nonconforming FAR.

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

- Zoning Review Application, prepared by Terrence Morris, attorney, submitted 9/17/2020
- Warwick Road East End Area Map
- Existing Conditions Plan, prepared by Verne T. Porter, PLS, dated 2/20/2020
- Proposed Grading Plan, prepared by Verne T. Porter, PLS, dated 6/14/2020
- Proposed Conditions Site Plan, prepared by Verne T. Porter, PLS, dated 9/11/2020
- Architectural Plans and Elevations, prepared by Scott Lewis, dated 6/22/2020
- FAR calculations, signed and stamped by Verne T. Porter, Jr, PLS, submitted 9/17/2020

## ADMINISTRATIVE DETERMINATIONS:

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1. The existing two-family dwelling is nonconforming, as it is located in the Single Residence 3 zoning district, which prohibits two-family dwellings per section 3.4.1. The petitioners intend to construct a two-story rear addition to the existing structure. To further extend the nonconforming two-family dwelling use requires a special permit per sections 3.4.1 and 7.8.2.C.2.
2. The property has a significant downward slope from the street to the rear of the lot, rendering the basement level the first story per the average grade, resulting in a 3.5-story structure, where 2.5 stories are the maximum allowed per section 3.1.3. The proposed rear addition extends from the first story (basement level) to the half story (attic level), further extending the nonconforming 3.5-story structure, requiring a special permit per sections 3.1.3 and 7.8.2.C.2.
3. The proposed construction adds 660 square feet to the 1<sup>st</sup> and 2<sup>nd</sup> floors with an additional 330 square feet counted in the basement, to the existing 3,606 square feet for a total of 4,596 square feet. The proposed addition further extends the already nonconforming FAR from .57 to .72, which exceeds the maximum of .48 allowed by sections 3.1.3 and 3.1.9, requiring a special permit per section 7.8.2.C.2.

SR3 Zone	Required	Existing	Proposed
Lot Size (Old Lot)	7,000 square feet	<b>6,377 square feet</b>	<b>No change</b>
Setbacks			
• Front	25 feet	17.2 feet	No change
• Side	7.5 feet	9 feet	No change
• Side	7.5 feet	22.5 feet	22.3 feet
• Rear	15 feet	34.2 feet	17.8 feet
Building Height	36 feet	32.08 feet	32.47 feet
Stories	2.5	<b>3.5 stories</b>	<b>No Change</b>
Max. Lot Coverage	30%	22.70%	28.45%
Min. Open Space	50%	67%	58%
FAR	.48	<b>.57</b>	<b>.72</b>

See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1 §7.8.2.C.2	To further extend a nonconforming two-family dwelling	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further extend a nonconforming 3-story structure	S.P. per §7.3.3
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further extend nonconforming FAR	S.P. per §7.3.3