



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 28, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Jams Realty LLC
Louis Franchi, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: **Request to exceed FAR**

Applicant: Louis Franchi	
Site: 138 Arnold Road	SBL: 81001 0003
Zoning: SR2	Lot Area: 15,250 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 138 Arnold Road consists of a 15,250 square foot lot improved with a single-family residence currently under construction. The single-family dwelling received a building permit from Inspectional Services for the plans under review by this application. It was determined that the second-level attic space over the attached garage should have been included in the FAR calculation, but was not. The petitioner utilized the provisions dealing with attics *above the second floor*. As this attic space is above the first floor, the elimination of that space as part of the FAR calculation does not apply, and should have been included. The petitioner seeks to rectify the miscalculation and requests a special permit to exceed the allowable FAR.

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

- Zoning Review Application, prepared Louis Franchi, dated 3/28/2018
- FAR Worksheet, submitted 3/28/2018
- As Built Site Plan, signed and stamped by Verne T. Porter, surveyor, dated 2/28/2018
- Architectural plans and elevations, prepared by AMD Designs, architect, dated 11/6/2016

ADMINISTRATIVE DETERMINATIONS:

1. The single-family dwelling is under construction by a building permit issued by Inspectional Services in February 2017. At the time the petitioner applied for the Certificate of Occupancy, it was determined that the FAR was incorrectly calculated and the structure was over the maximum allowable FAR. The space above the garage adds 295 square feet, changing the FAR from .33 to .35, which exceeds the maximum of .33 allowed by section 3.1.9, requiring a special permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	15,250 square feet	No change
Frontage	80 feet	100 feet	No change
Setbacks			
• Front	25 feet	33.2 feet	No change
• Side	7.5 feet	11.5 feet	No change
• Rear	15 feet	54 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.33	.33	.35
Max Lot Coverage	30%	21.72%	No change
Min. Open Space	50%	70.4%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N