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**#439-20**  
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**Barney S. Heath**  
Director

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## PUBLIC HEARING/WORKING SESSION MEMORANDUM

**DATE:** December 11, 2020  
**MEETING DATE:** December 15, 2020  
**TO:** Land Use Committee of the City Council  
**FROM:** Barney S. Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Michael Gleba, Senior Planner  
**CC:** Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

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### **PETITION #439-20**

**728 Walnut St.**

**Petition #24-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct first and second floor additions on all sides, extending the nonconforming front setback and increase the habitable space in the half story, creating an FAR of .56 where .27 exists and .42 is allowed at **728 Walnut Street**, Ward 2, Newton Centre, on land known as Section 64 Block 08 Lot 01, containing approximately 7,815 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

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The Land Use Committee (the "Committee") held a public hearing on December 1, 2020 on this petition. This memo reflects additional information addressed to the Planning Department as of December 11, 2020.

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### **Background**

The property at 728 Walnut Street consists of a 7,815 square foot corner lot located in a Single Residence 2 (SR2) zoning district. It is improved with an approximately 2,110 square foot, 2 story single-family residence constructed in 1930.

### **Update**

As originally presented the project involved the construction of first and second story additions to all sides of the dwelling, and an increase the habitable space on the attic level by changing the pitch of the roof and adding dormers. As so submitted, the proposed structure would increase the property's floor area ratio (FAR) from 0.27 to 0.56 where 0.42 is the maximum allowed.

Subsequent to the filing of the present petition, and as discussed at the December 1, 2020 public hearing, the project was reconceived as a complete demolition of the existing structure. The Planning Department notes that the Newton Historical Commission (NHC) has found the structure not preferably preferred and required no further review.

The petitioners have indicated that they will present the project plans unchanged from what was shown at the previous public hearing with the understanding that, if the special permit is granted, would be an entirely new structure, not an expansion of the existing structure.

### **ATTACHMENTS**

**Attachment A**                      Planning Department's Public Hearing Memorandum dated November 27, 2020  
(includes DRAFT Order)

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 exceed the allowed floor area ratio (FAR), increasing it from 0.27 to 0.56 where 0.42 is the maximum allowed by right, and further reduce the existing nonconforming front setback from 21.7 feet to 15.58 feet where 25 feet is required, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed increase of the dwelling's nonconforming FAR from 0.27 to 0.56 where 0.42 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, especially given its location proximate to large civic buildings and similarly scaled dwellings (§3.1.9.A.2);
2. The proposed further reduction of the dwelling's existing nonconforming front setback along Fenno Road, from 21.7 feet to 15.58 feet where 25 feet is required, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood as only 25 square feet of the structure's footprint would be located within the affected front setback (§7.8.2.C.2)

PETITION NUMBER: #439-20

PETITIONER(S): Mark and Kelly Anselmi

LOCATION: 728 Walnut Street, on land known as Section 64, Block 8, Lot 1, containing approximately 7,815 sq. ft. of land

OWNER(S): Mark and Kelly Anselmi

ADDRESS OF OWNER(S): 728 Walnut Street  
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit per §7.3.3 to:

- further increase nonconforming floor area ratio (FAR) (§3.1.3, §3.1.9)
- further extend a nonconforming front setback (§3.1.3, §7.8.2.C.2)

ZONING: Single Residence 2 (SR2) district

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 site plan entitled "Proposed Addition Plan of Land, 728 Walnut Street, Newton, MA," prepared by PFS Land Surveying, Inc., signed and stamped by Bryan G. Parmenter, Registered Professional Land Surveyor, dated July 8, 2020.
  - b. A set of plans entitled "728 Walnut Street, Newton, MA 02459," prepared by Lincoln Architects LLC. dated July 27, 2020, signed and stamped by Daniel R. Quaile, Registered Architect:
    - i. Existing Basement Floor Plan (EX1)
    - ii. Existing First Floor Plan (EX2)
    - iii. Existing Second Floor Plan (EX3)
    - iv. Proposed Basement Floor Plan (A1)
    - v. First Floor Plan (A2)
    - vi. Proposed Second Floor Plan (A3)
    - vii. Proposed Attic Plan (A4)
    - viii. Proposed South Elevation (A5)
    - ix. Proposed East Elevation (A6)
    - x. Proposed South (*sic*- North)Elevation (A7)
    - xi. Proposed West Elevation (A8)
    - xii. Attic Sections (A9)
  - c. A document entitled "Floor Area Ratio Worksheet, 728 Walnut Street," indicating a proposed "Total gross floor area" of 4,389 square feet and a proposed "FAR" (floor area ratio) of 0.561, signed and stamped by Daniel R. Quaile, Registered Architect .
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:

- a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect and certifying compliance with Condition #1, including the as built FAR.
  - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.