



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: January 14, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Jonathan Flynn, Applicant  
Peter Sachs, Architect  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Acting City Solicitor

RE: Request to further increase nonconforming FAR

Applicant: Jonathan Flynn	
Site: 46 Berwick Road	SBL: 52016 0014
Zoning: SR2	Lot Area: 6,437 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 46 Berwick Road consists of a 6,437 square foot lot improved with a single-family residence constructed in 1913 and a detached garage. The property has a driveway easement over the abutting parcel at 9 Saxon Road. The petitioners propose to raze the existing detached garage and construct a new single-car attached garage and library space with an accessory apartment above. The proposed changes will further increase 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 Peter Sachs, architect, dated 12/10/2018
- FAR Worksheet, submitted 12/10/2018
- Existing Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 7/25/2018
- Proposed Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 7/25/2018
- Architectural Plans, signed and stamped by Peter Sachs, architect, dated 10/1/2018

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner intends to raze a 460 square foot detached garage and reconstruct an attached single-car garage and library space on the first level with an accessory apartment above. The existing FAR (prior to demolition) is .50, where .44 is the maximum allowed. The proposed addition adds 935 square feet to the dwelling, resulting in an FAR of .65. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	<b>6,437 square feet</b>	<b>No change</b>
Frontage	80 feet	<b>60 feet</b>	<b>No change</b>
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 7.5 feet 15 feet	<b>16.5 feet</b> <b>3.7 feet</b> 43.3 feet	<b>No change</b> <b>No change</b> 15.1 feet
Max Number of Stories	2.5	2.5	No change
FAR	.44	<b>.50</b>	<b>.65</b>
Max Lot Coverage	30%	26.7%	29.9%
Min. Open Space	50%	54.5%	58.6%
Max Accessory Apartment	Lesser of 1,000 square feet or 33% (922 square feet)		733 square feet

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9, §7.8.2.C.2	Request to further increase nonconforming 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