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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 13, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Philip Chase and Susan Vaughn, Applicants
Peter Sachs, Architect
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to extend a nonconforming three-story structure and to exceed FAR

Applicant: Philip Chase and Susan Vaughn	
Site: 58 Rochester Road	SBL: 13020 0044
Zoning: SR3	Lot Area: 16,518 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 58 Rochester Road consists of a 16,518 square foot lot improved with a single-family dwelling constructed in 1927. Due to the average grade of the property, the basement is considered the first floor, resulting in the structure having 3.5 stories, where 2.5 is the maximum allowed. The petitioner is proposing additions to the sides and rear of the property to create an attached garage, accessory apartment and additional living space. The proposed additions require a special permit to extend the nonconforming 3.5 story structure, as well as to exceed FAR.

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

- Zoning Review Application, prepared by Peter Sachs, architect, dated 6/21/2018
- FAR Worksheet, submitted 6/21/2018
- Topographic Site Plan, signed and stamped by Joseph. R. Porter, surveyor, dated 6/17/2018
- Architectural Plans, signed and stamped by Peter Sachs, architect, dated 11/16/2015, revised 4/4/2018, 5/31/2018, 7/16/2018

ADMINISTRATIVE DETERMINATIONS:

1. Per section 3.1.3, a single-family dwelling is limited to 2.5 stories by right, or three by special permit. Due to the existing grade surrounding the single-family dwelling, the basement level is considered the first floor, rendering the structure 3.5 stories per section 1.5.4.B and C. To allow additions to the first three levels requires a special permit to extend the nonconforming number of stories, per section 7.8.2.C.2.

1. The petitioners’ existing FAR is .32, where .38 is the maximum allowed per sections 3.1.3 and 3.1.11. The proposed additions add 1,751 square feet to the dwelling, resulting in an FAR of .42. A special permit pursuant to Sections 3.1.3 and 3.1.9 is required to exceed FAR.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	16,518 square feet	No change
Frontage	70 feet	58.19 feet	No change
Setbacks			
• Front	25 feet	29.4 feet	No change
• Side	7.5 feet	9.1 feet	No change
• Rear	15 feet	51.3 feet	30.5 feet
Building Height	36	35.63 feet	35.72 feet
Max Number of Stories	2.5	3.5	No change
FAR	.38	.32	.42

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
§1.5.4.B §1.5.4.C §3.1.3 §7.8.2.C.2	Request to further extend a nonconforming 3.5 story single-family dwelling	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