



CITY OF NEWTON, MASSACHUSETTS
PETITION FOR SPECIAL PERMIT

DATE: JUNE 24, 2019

PROPERTY OWNER: MICHAEL AND SHIRA FISHMAN
28 EAST BOULEVARD ROAD, NEWTON, MA 02459

THE APPLICANT REQUESTS A SPECIAL PERMIT TO EXTEND AN EXISTING NONCONFORMITY OF THE MAXIMUM STORY REQUIREMENT OF THE NEWTON CHAPTER 30: ZONING ORDINANCES, SECTION 3.1.2.

THE PROPOSED DESIGN CONFORMS TO ALL REQUIRED SETBACKS. THE PROPOSED ADDITION DOES NOT EXCEED THE MAXIMUM ALLOWED BUILDING HEIGHT. THE PROPOSED ADDITION DOES NOT EXCEED THE MAXIMUM ALLOWED FAR.

THE PROPERTY IN QUESTION – 28 EAST BOULEVARD ROAD – HAS SLOPE SUCH THAT THE SIDE OF THE PROPERTY WHERE WE ARE PROPOSING AN ADDITION IS A WALK-OUT BASEMENT. IN ADDITION TO THE NATURAL GRADE, THE FIRST FLOOR OF THE EXISTING HOME IS SET HIGH ON THE LOT. WE ARE PROPOSING AN ADDITION THAT WOULD EXTEND THE FIRST FLOOR, AS WELL AS THE SECOND FLOOR AND THE BASEMENT BELOW. BECAUSE THE SITE HAS A SIGNIFICANT SLOPE TO IT AND FIRST FLOOR IS SET HIGH ON THE LOT, THE EXISTING (AND PROPOSED) BASEMENT IS CONSIDERED A FIRST FLOOR ACCORDING TO THE NEWTON ZONING ORDINANCE. THE AVERAGE GRADE AROUND THE EXISTING BASEMENT IS LOWER THAN THE MIDPOINT BETWEEN THE FLOOR AND CEILING OF THE BASEMENT LEVEL.

THAT AFFECTS US IN TWO WAYS. THE FIRST IS THAT OUR EXISTING RESIDENCE IS TECHNICALLY A 3-STORY BUILDING AND THEREFORE OUR ADDITION IS TECHNICALLY A 3-STORY ADDITION, WHICH IS PERMITTED WITH A SPECIAL PERMIT.

THE FAR IS AFFECTED BY THE SLOPE OF THE SITE AS WELL. IF WE WERE ABLE TO CONSIDER THE BASEMENT A BASEMENT, THEN WE WOULD ONLY BE REQUIRED TO COUNT A MAXIMUM OF 50% OF THE SQUARE FOOTAGE OF THE BASEMENT. HOWEVER, SINCE THE BASEMENT IS CONSIDERED THE "FIRST FLOOR" WE MUST COUNT THE ENTIRE BASEMENT. WHEN INCLUDING 100% OF THE BASEMENT AREA, THE PROPOSED ADDITION DOES NOT EXCEED THE MAXIMUM FAR FOR THE LOT SIZE, THEREFORE NO ADDITIONAL RELIEF IS REQUIRED BY A SPECIAL PERMIT.

THE PROPOSED ADDITION IS WELL IN KEEPING WITH THE DESIGN AND SCALE OF THE NEIGHBORHOOD. THE PROPOSED ADDITION IS ON THE FAR SIDE OF THE HOME WHICH IS THE LAST PROPERTY ON A DEAD-END STREET WHERE IT WILL HAVE LIMITED IMPACT.



Setti D. Warren
Mayor

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John Lojek
Commissioner

FLOOR AREA RATIO WORKSHEET

For Residential Single and Two Family Structures

Property address: 28 East Boulevard Road - EXISTING

Zoning District: SR-2 **Lot Size:** 11,301 sf

FAR Calculations for Regulations Effective As Of October 15, 2011	
Inputs (square feet)	
1. First story	1,237
2. Attached garage	557
3. Second story	1,236
4. Atria, open wells, and other vertical spaces (if not counted in first/second story)	-
5. Certain floor area above the second story ^{1b}	0
6. Enclosed porches ^{2b}	124
7. Mass below first story ^{3b} **	678
8. Detached garage	-
9. Area above detached garages with a ceiling height of 7' or greater	-
10. Other detached accessory buildings (one detached building up to 120 sq. ft. is exempt)	-
FAR of Proposed Structure(s)	
A. Total gross floor area (sum of rows 1-9 above)	3,832
B. Lot size	11,301
C. FAR = A/B	.34
Allowed FAR	
Allowable FAR	.46
Bonus of .02 if eligible ^{4b}	.02
TOTAL Allowed FAR	.48

** Basement counted as a story. Area taken to outside face of foundation wall





Setti D. Warren
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Commissioner

FLOOR AREA RATIO WORKSHEET

For Residential Single and Two Family Structures

Property address: 28 East Boulevard Road - PROPOSED

Zoning District: SR-2 **Lot Size:** 11,301 sf

FAR Calculations for Regulations Effective As Of October 15, 2011	
Inputs (square feet)	
1. First story	1,425
2. Attached garage	557
3. Second story	1,425
4. Atria, open wells, and other vertical spaces (if not counted in first/second story)	-
5. Certain floor area above the second story ^{1b}	0
6. Enclosed porches ^{2b}	-
7. Mass below first story ^{3b} **	860
8. Detached garage	-
9. Area above detached garages with a ceiling height of 7' or greater	-
10. Other detached accessory buildings (one detached building up to 120 sq. ft. is exempt)	-
FAR of Proposed Structure(s)	
A. Total gross floor area (sum of rows 1-9 above)	4,267
B. Lot size	11,301
C. FAR = A/B	.38
Allowed FAR	
Allowable FAR	.46
Bonus of .02 if eligible ^{4b}	.02
TOTAL Allowed FAR	.48

** Basement counted as a story. Area taken to outside face of foundation wall





Ruthanne Fuller
Mayor

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Barney S. Heath
Director

Newton Historical Commission Demolition Review Decision

Date: 5/30/19 Zoning & Dev. Review Project# 19050063

Address of structure: 28 East Boulevard Road

Type of building : House

If partial demolition, feature to be demolished is portion side

The building or structure:

is _____ is not in a National Register or local historic district not visible from a public way.

is _____ is not on the National Register or eligible for listing.

is _____ is not importantly associated with historic person(s), events, or architectural or social history

is is not _____ historically or architecturally important for period, style, architect, builder, or context.

is _____ is not located within 150 feet of a historic district and contextually similar.

is _____ **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is **HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

APPROVES the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

_____ **DOES NOT APPROVE** and the project requires
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is _____ **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is _____ **PREFERABLY PRESERVED – (SEE BELOW).**

Delay of Demolition:

_____ is in effect until _____

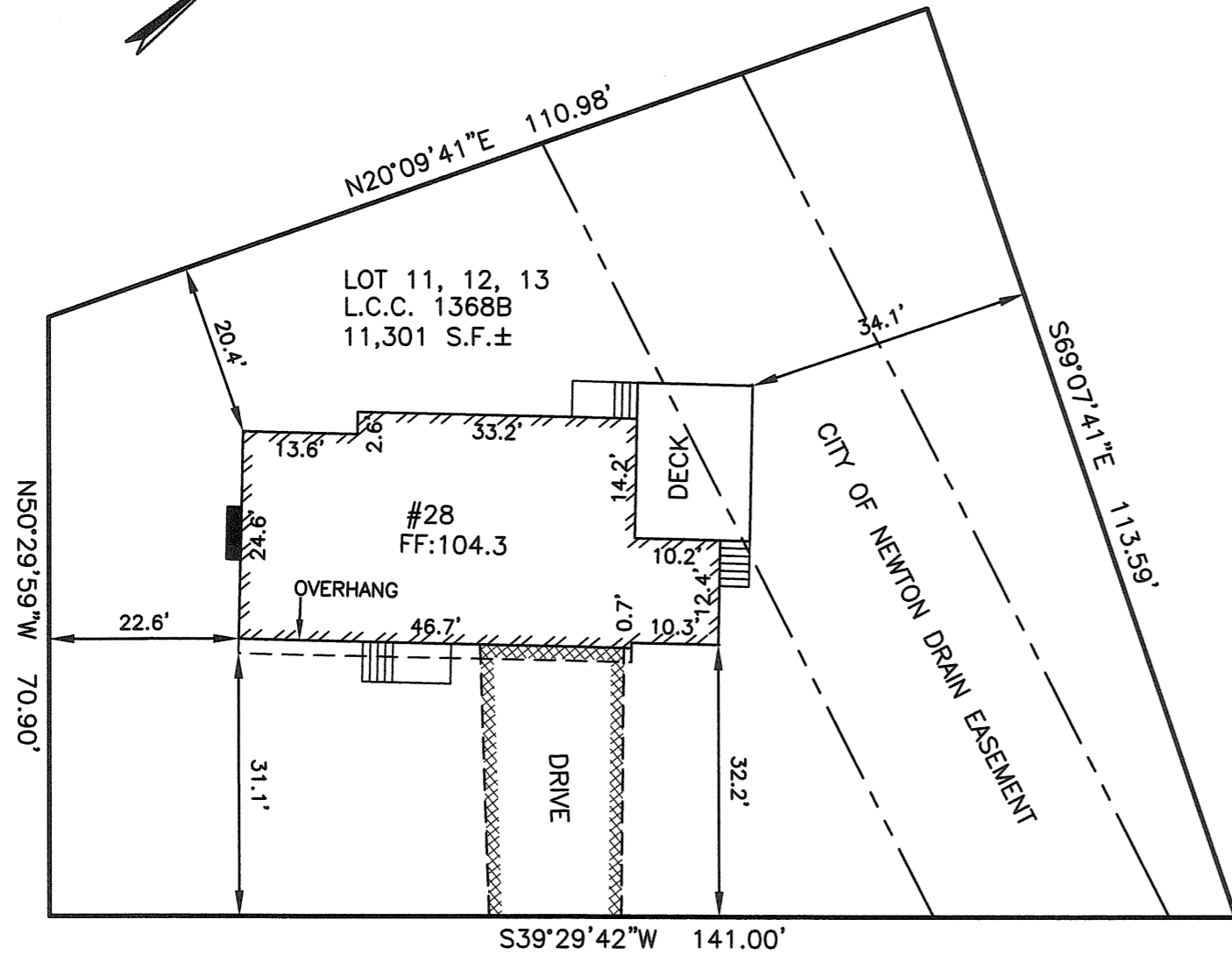
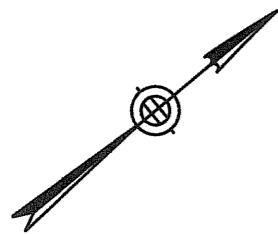
_____ has been waived - see attached for conditions

Determination made by:

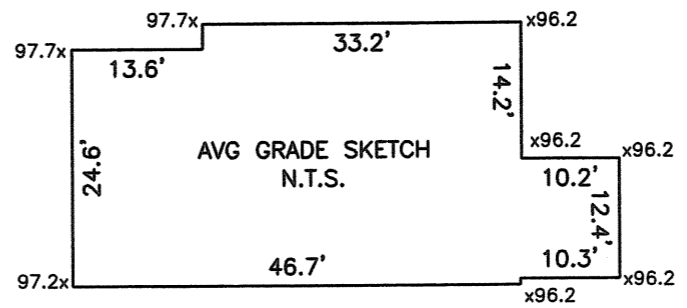
Review of final plans required

Owner of Record:

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.



EAST BOULEVARD ROAD

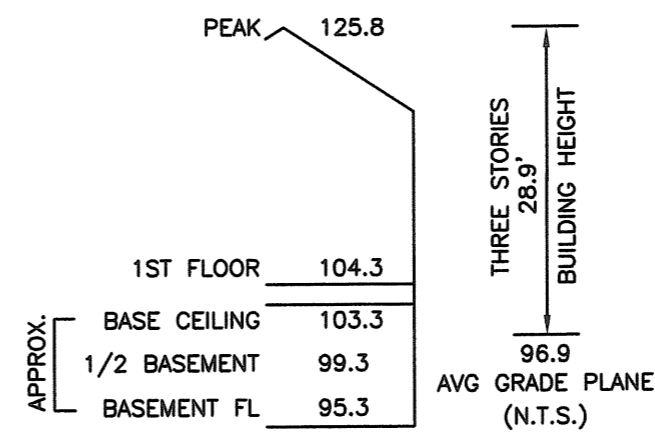


AVERAGE GRADE CALCULATION:
[SEC 1.5.4(F)]

$$AVG = \frac{\sum[L(E1+E2)]}{P}$$

$$AVG = 16,009.4 / 165.2 = 96.9$$

BUILDING HEIGHT CALCULATION



ZONING INFORMATION

ZONE: SR2
PLAN DATED: AUGUST 9, 1945
DEED REFERENCE: BOOK 1466 PAGE 4

	EXISTING	PROPOSED	REQUIRED
BUILDINGS	1,365 S.F.	x S.F.	
STRUCTURES	1,616 S.F.	x S.F.	
DRIVE	524 S.F. ±	x S.F. ±	
	2,140 S.F. ±	x S.F. ±	
LOT COVERAGE	12.0%	x.x%	(30% MAX.)
OPEN SPACE	81% ±	x% ±	(50% MIN.)

ZONING COMPLIANCE DETERMINED BY MUNICIPALITY.
AREAS FOR F.A.R. CALCULATION PROVIDED BY ARCHITECT.

ESTABLISHED 1916
EMB

EVERETT M. BROOKS CO.

SURVEYORS & ENGINEERS

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info@everettbrooks.com



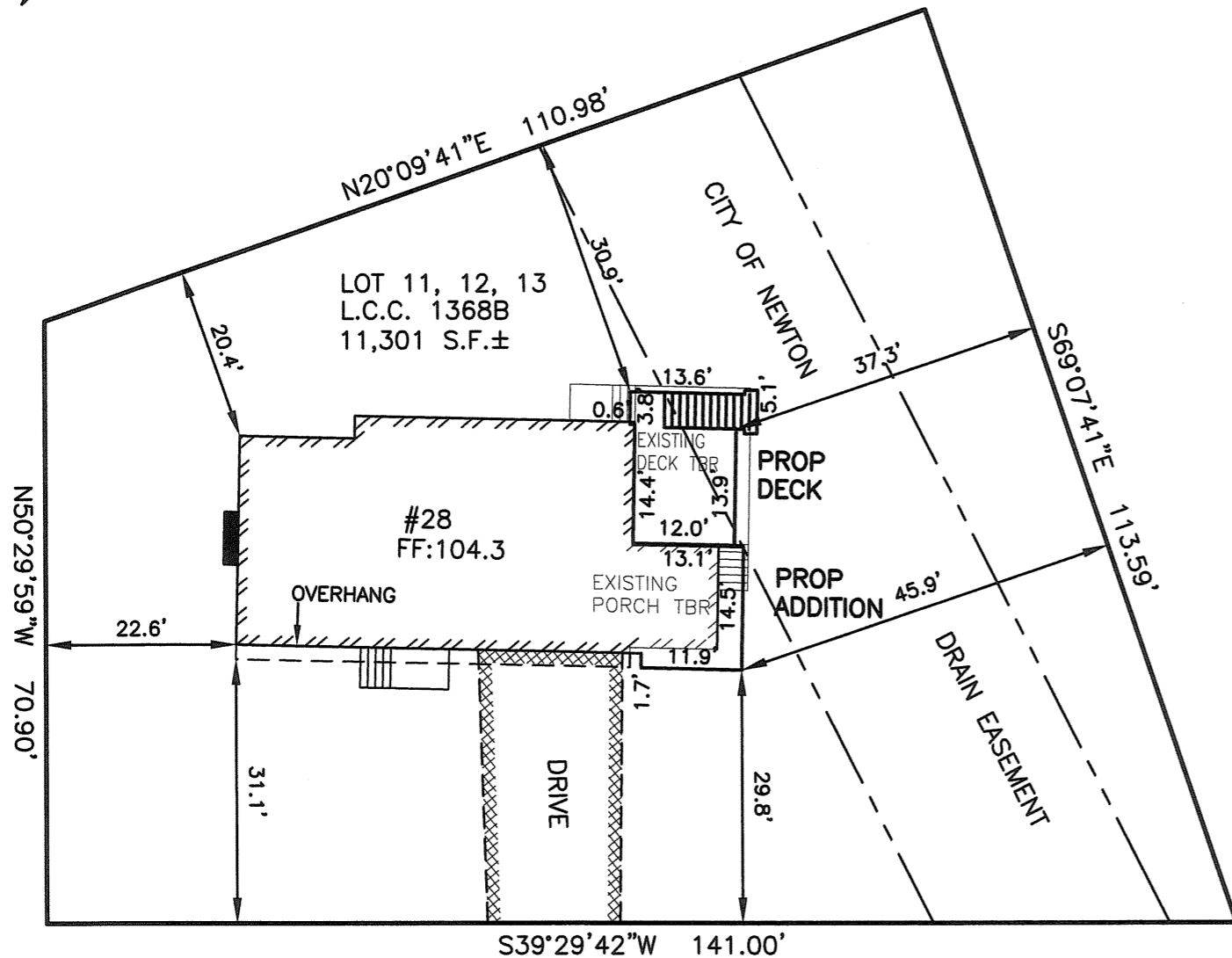
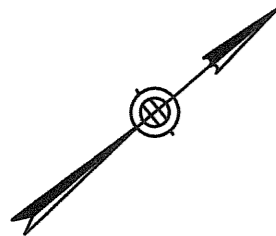
**PLAN OF LAND IN
NEWTON, MA**

28 EAST BOULEVARD ROAD
EXISTING CONDITIONS

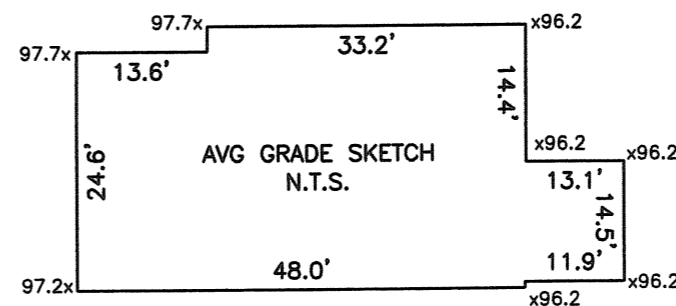
SCALE: 1 IN. = 20 FT.
DATE: APRIL 4, 2019
DRAWN: GAR
CHECK: BB

REVISIONS:

PROJECT NO. 25785



EAST BOULEVARD ROAD

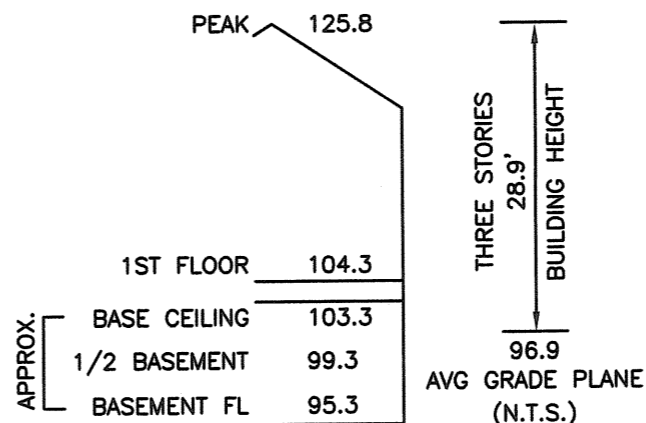


AVERAGE GRADE CALCULATION:
[SEC 1.5.4(F)]

$$AVG = \frac{\sum[L(E1+E2)]}{2} / P$$

$$AVG = 16,760.8 / 173.0 = 96.9$$

BUILDING HEIGHT CALCULATION



ZONING INFORMATION

ZONE: SR2
PLAN DATED: AUGUST 9, 1945
DEED REFERENCE: BOOK 1466 PAGE 4

	EXISTING	PROPOSED	REQUIRED
BUILDINGS	1,365 S.F.	1,428 S.F.	
STRUCTURES	1,616 S.F.	1,615 S.F.	
DRIVE	524 S.F. ±	524 S.F. ±	
	2,140 S.F. ±	2,139 S.F. ±	
LOT COVERAGE	12.0%	13.3%	(30% MAX.)
OPEN SPACE	81% ±	81% ±	(50% MIN.)

ZONING COMPLIANCE DETERMINED BY MUNICIPALITY.
AREAS FOR F.A.R. CALCULATION PROVIDED BY ARCHITECT.

ESTABLISHED 1916



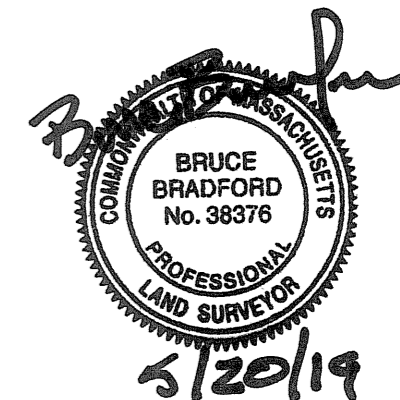
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**PLAN OF LAND IN
NEWTON, MA**

28 EAST BOULEVARD ROAD
PROPOSED ADDITIONS

SCALE: 1 IN. = 20 FT.

DATE: MAY 20, 2019

DRAWN: GAR

CHECK: BB

REVISIONS:

NO.	DESCRIPTION

PROJECT NO. 25785

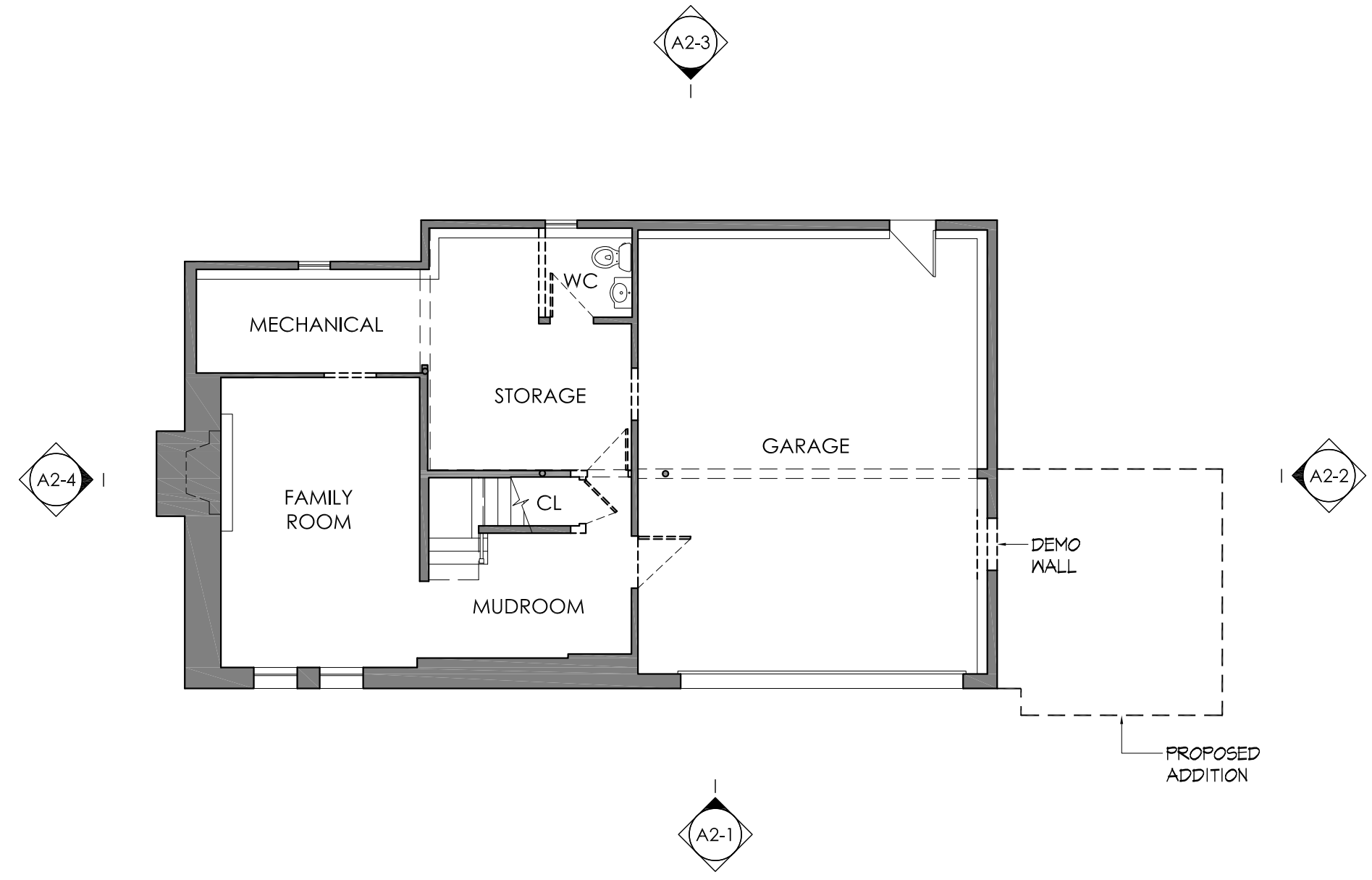


MAYER + ASSOCIATES
ARCHITECTS

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1647 BEACON STREET, WABAN, MA 02468



FISHMAN
RESIDENCE
28 EAST BOULEVARD ROAD
NEWTON, MA 02459



EXISTING
CONDITIONS
MAY 29, 2019

BASEMENT
PLAN

SCALE: 1/8" = 1'-0"



A1-0

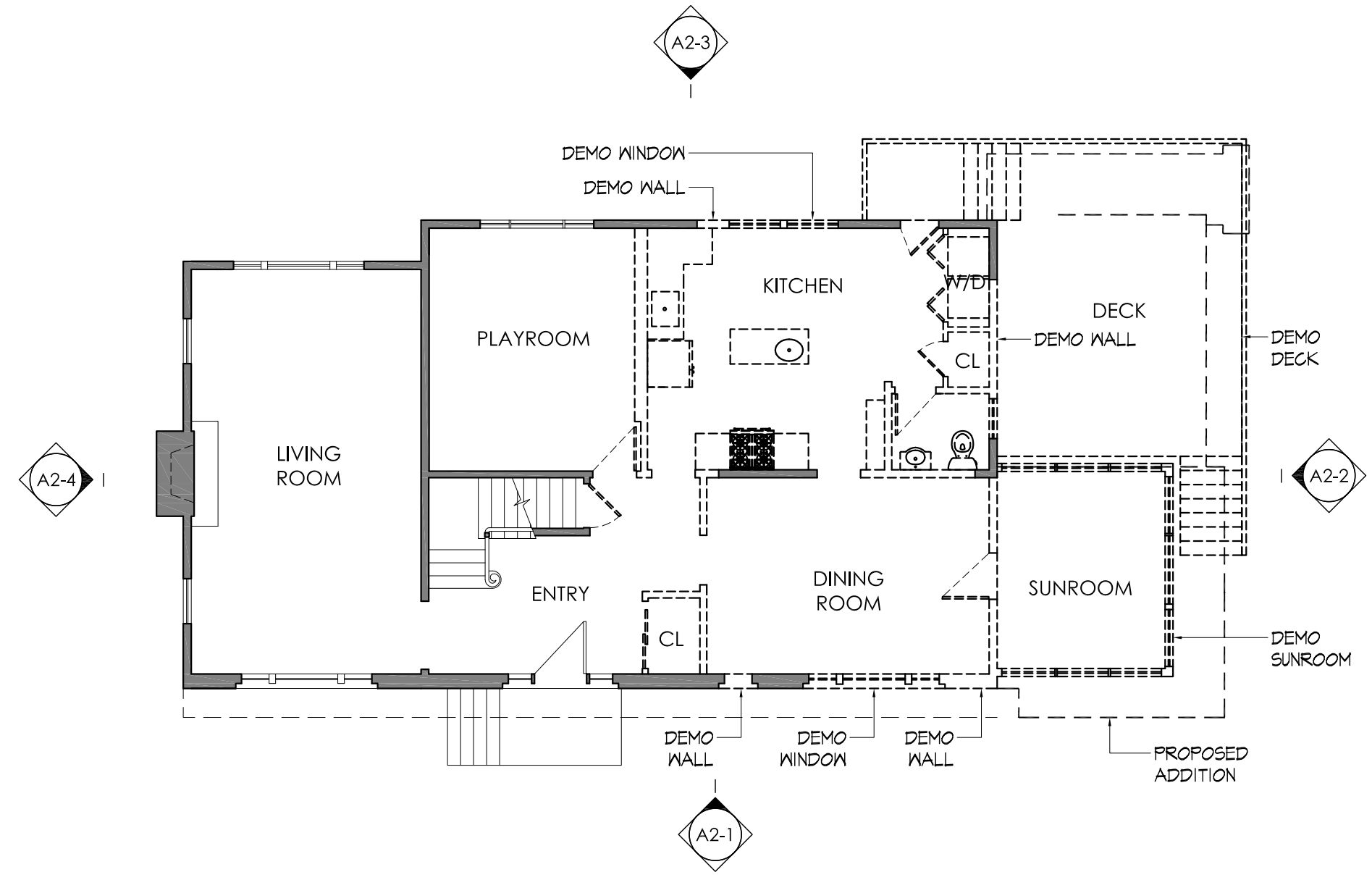


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FISHMAN RESIDENCE
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NEWTON, MA 02459



EXISTING CONDITIONS
MAY 29, 2019

FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



A1-1

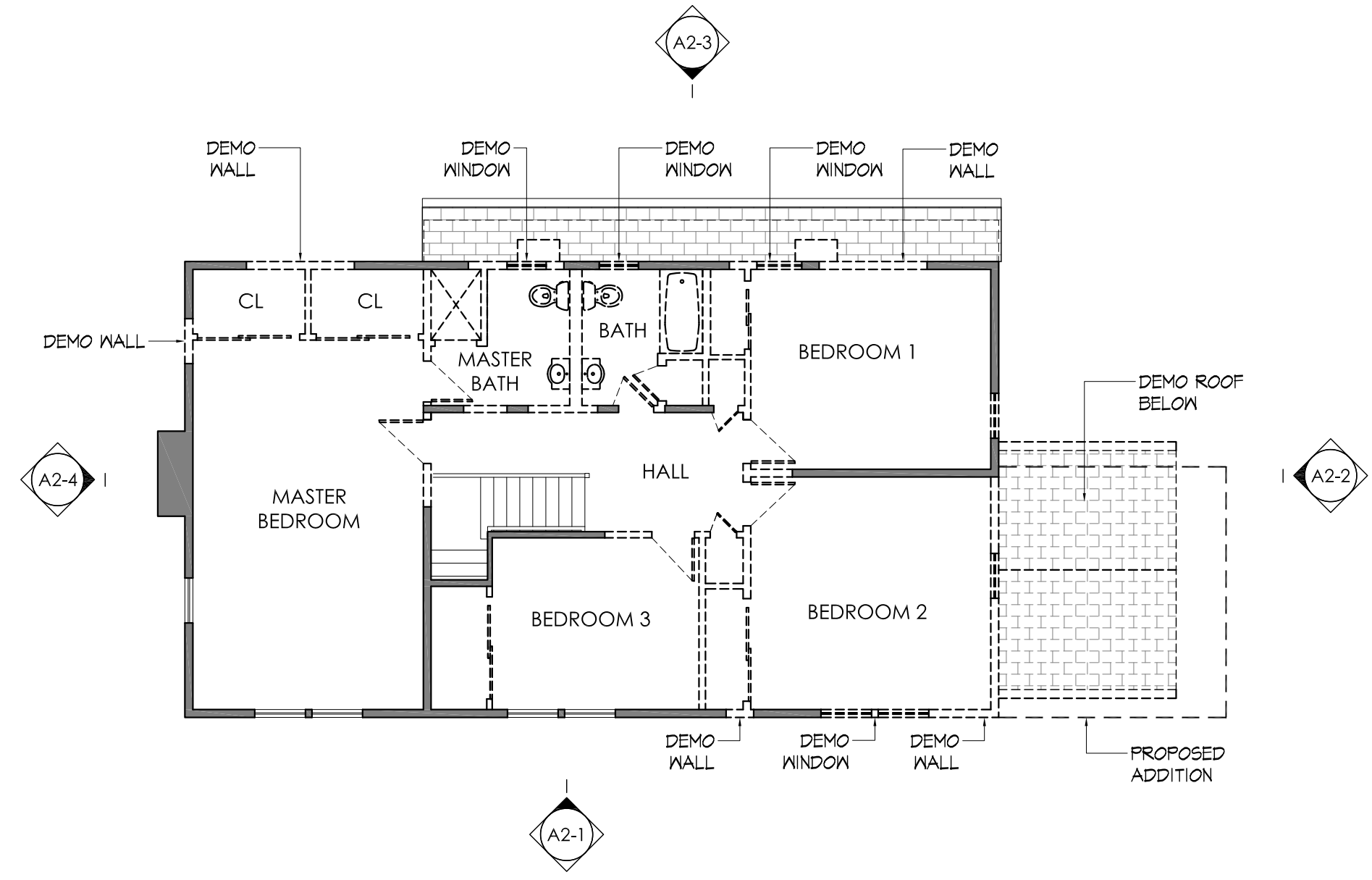


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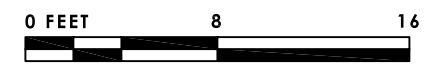
FISHMAN RESIDENCE
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NEWTON, MA 02459



EXISTING CONDITIONS
MAY 29, 2019

SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



A1-2



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FISHMAN
RESIDENCE

28 EAST BOULEVARD ROAD
NEWTON, MA 02459

EXISTING
CONDITIONS

MAY 29, 2019

EXTERIOR
ELEVATIONS

SCALE: 1/8" = 1'-0"



1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"

A2-1

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NEWTON, MA 02459

EXISTING
CONDITIONS

MAY 29, 2019

EXTERIOR
ELEVATIONS

SCALE: 1/8" = 1'-0"



1 SIDE ELEVATION
SCALE: 1/8" = 1'-0"

A2-2



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RESIDENCE**

28 EAST BOULEVARD ROAD
NEWTON, MA 02459

**EXISTING
CONDITIONS**

MAY 29, 2019

**EXTERIOR
ELEVATIONS**

SCALE: 1/8" = 1'-0"



1 REAR ELEVATION
SCALE: 1/8" = 1'-0"

A2-3



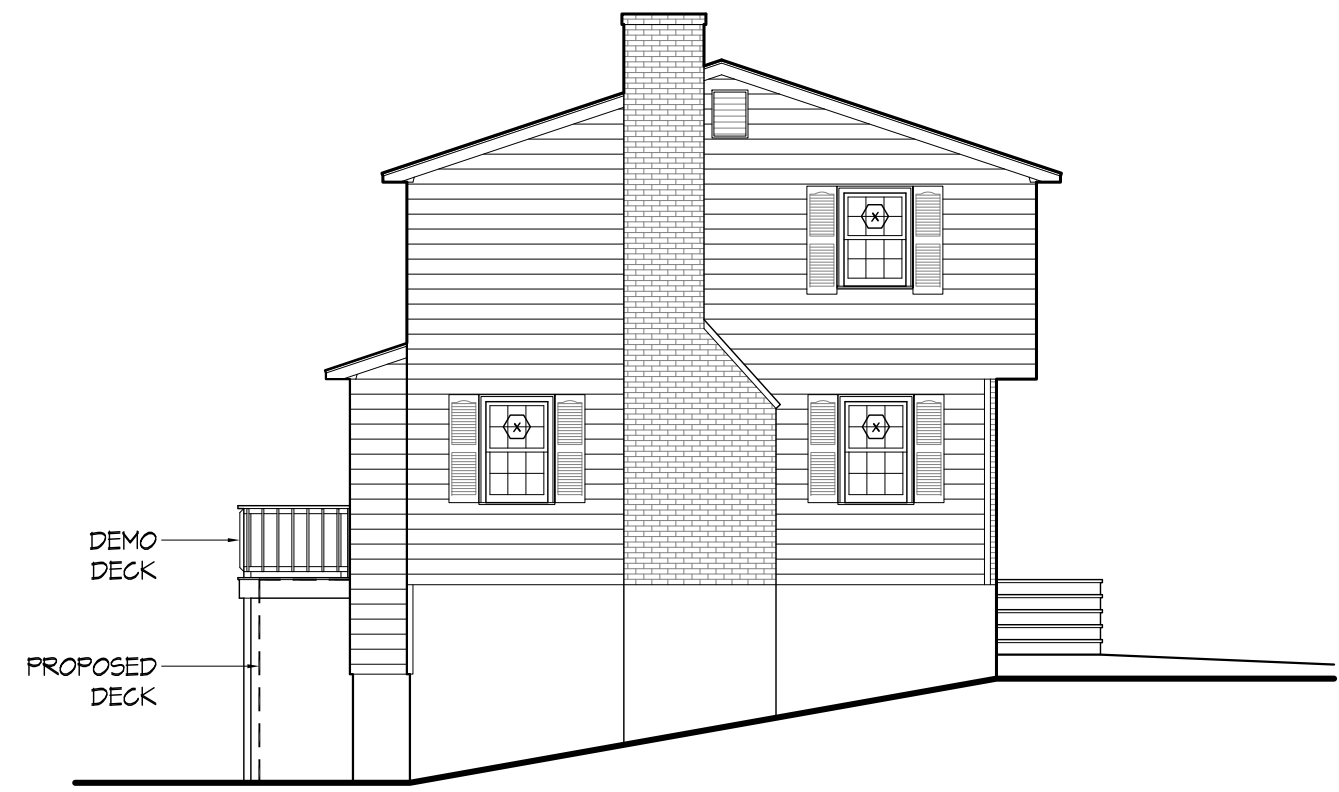
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FISHMAN
RESIDENCE

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EXISTING
CONDITIONS

MAY 29, 2019

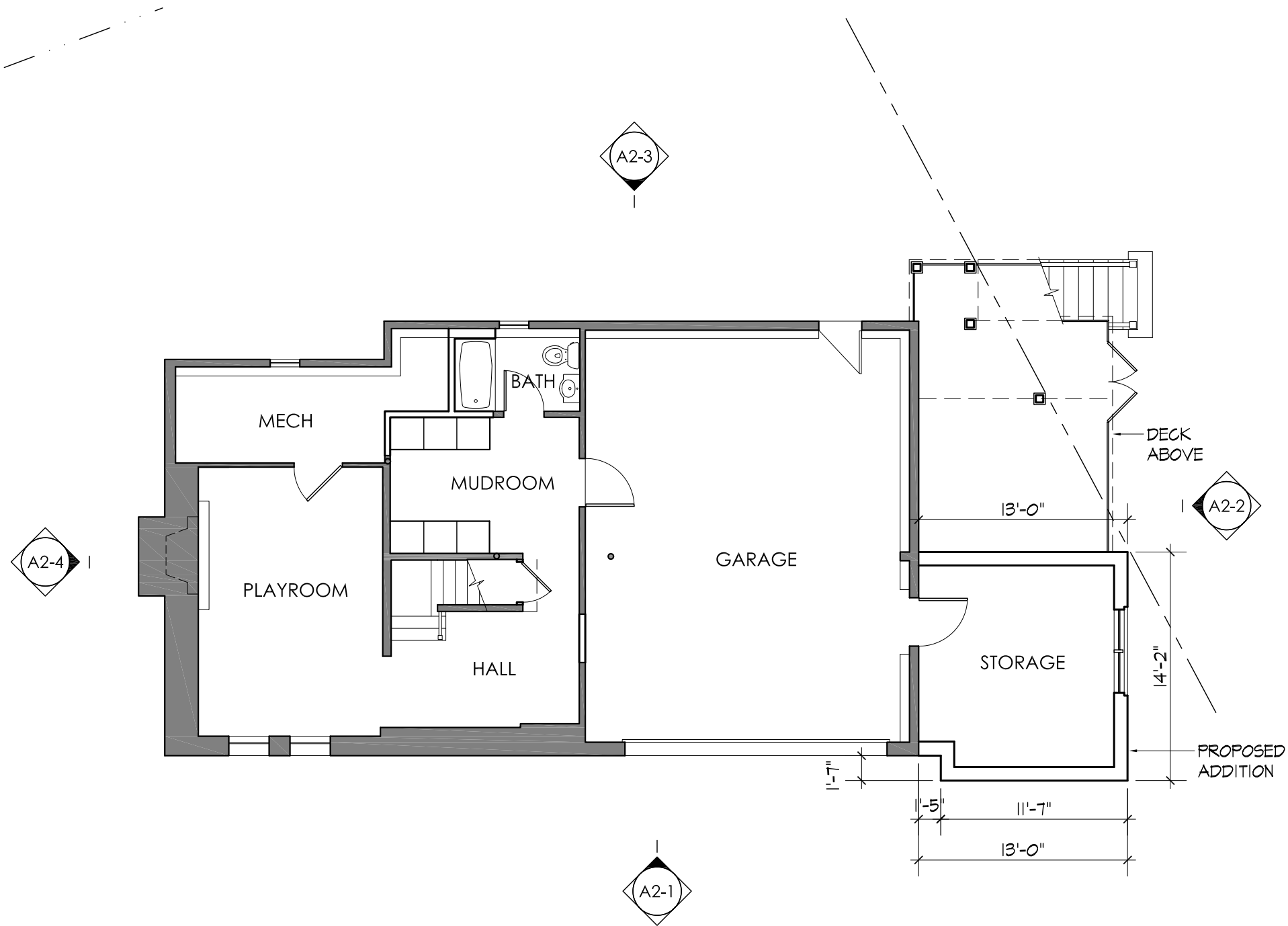
EXTERIOR
ELEVATIONS

SCALE: 1/8" = 1'-0"



1 SIDE ELEVATION
SCALE: 1/8" = 1'-0"

A2-4



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FISHMAN RESIDENCE
 28 EAST BOULEVARD ROAD
 NEWTON, MA 02459

PROPOSED ADDITIONS
 MAY 29, 2019

BASEMENT PLAN

SCALE: 1/8" = 1'-0"



A3-0



MAYER + ASSOCIATES
ARCHITECTS

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**FISHMAN
RESIDENCE**

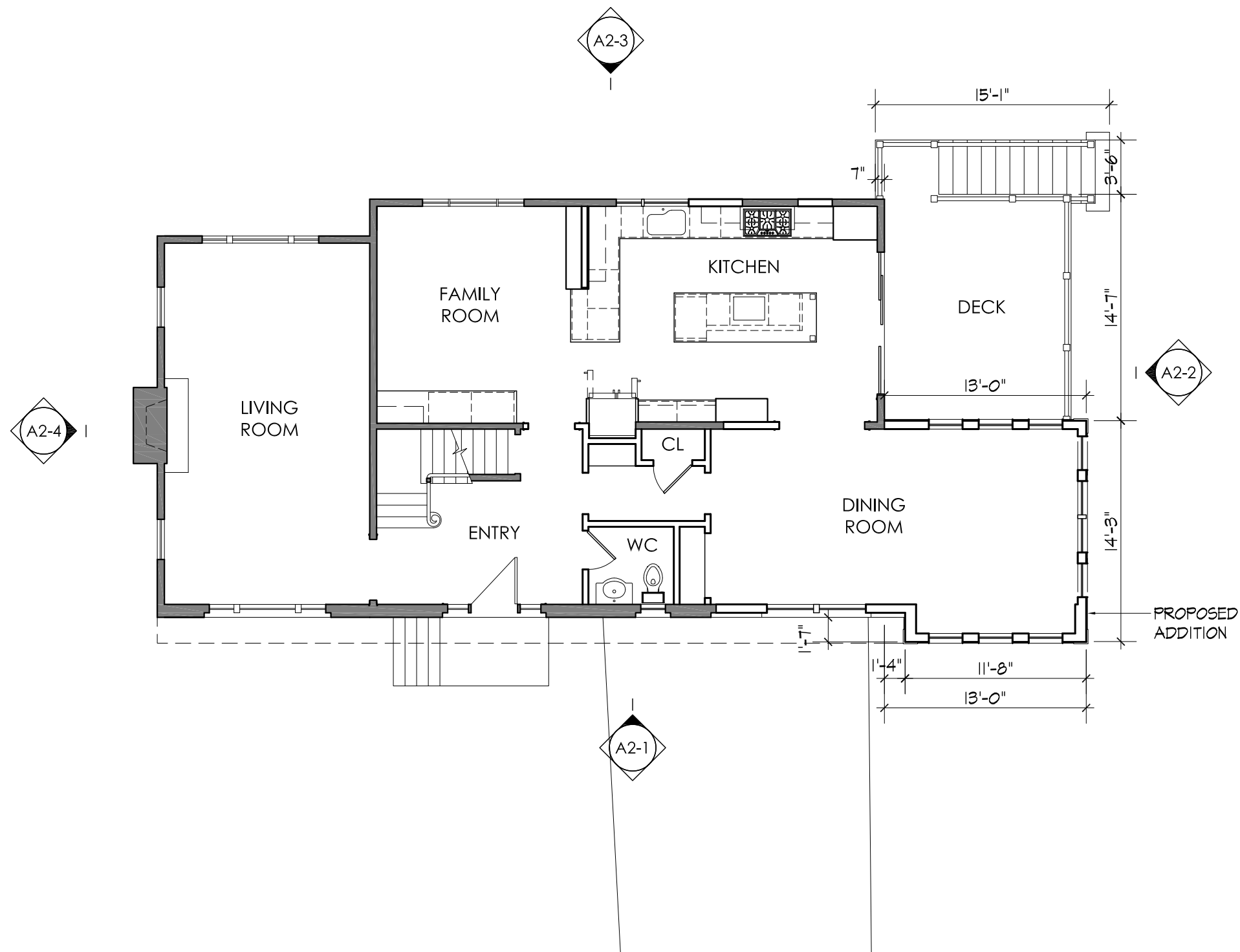
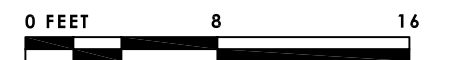
28 EAST BOULEVARD ROAD
NEWTON, MA 02459

**PROPOSED
ADDITIONS**

MAY 29, 2019

**FIRST FLOOR
PLAN**

SCALE: 1/8" = 1'-0"



A3-1



MAYER + ASSOCIATES
ARCHITECTS

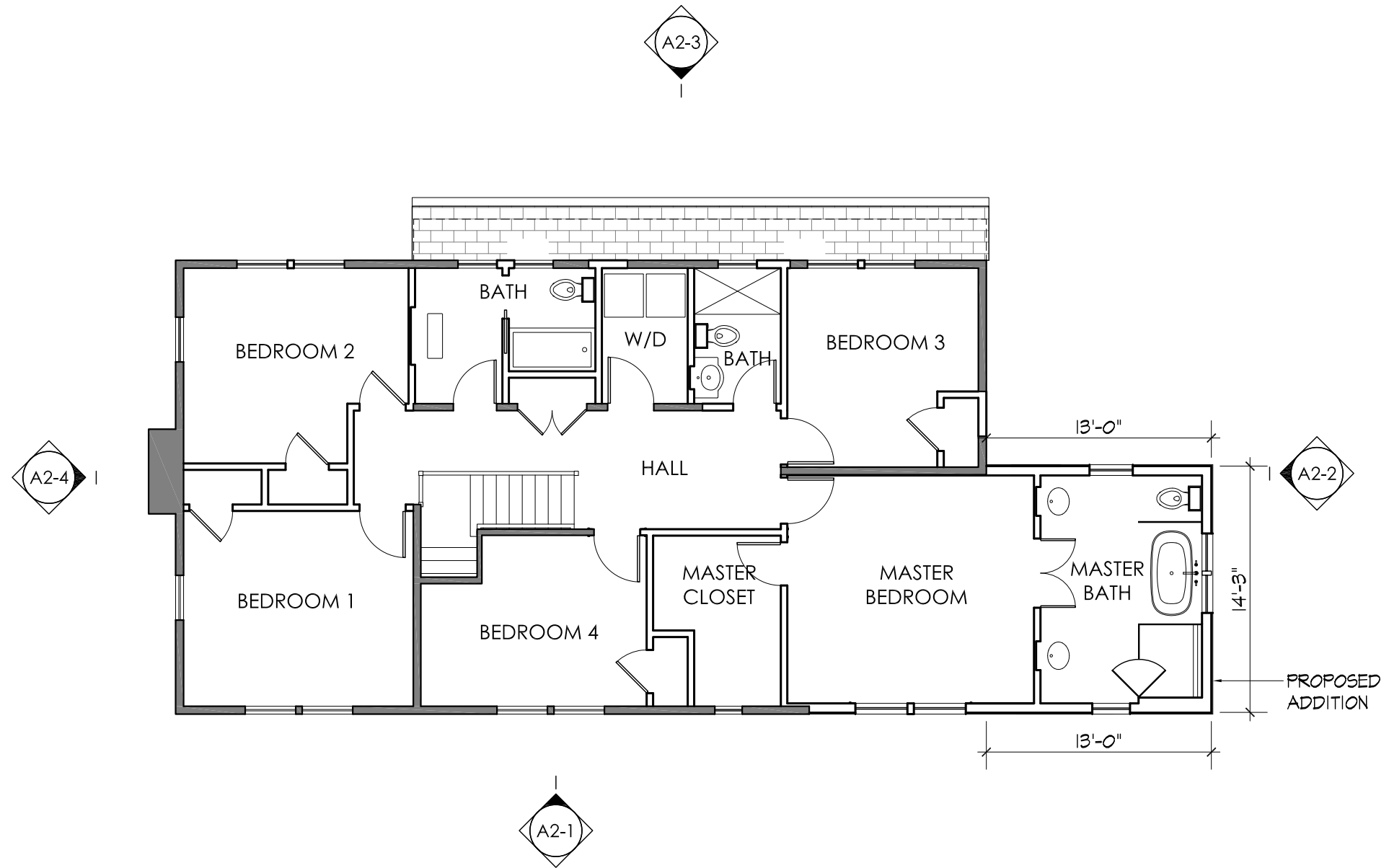
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1647 BEACON STREET, WABAN, MA 02468



FISHMAN
RESIDENCE

28 EAST BOULEVARD ROAD
NEWTON, MA 02459



PROPOSED
ADDITION

MAY 29, 2019

SECOND FLOOR
PLAN

SCALE: 1/8" = 1'-0"



A3-2



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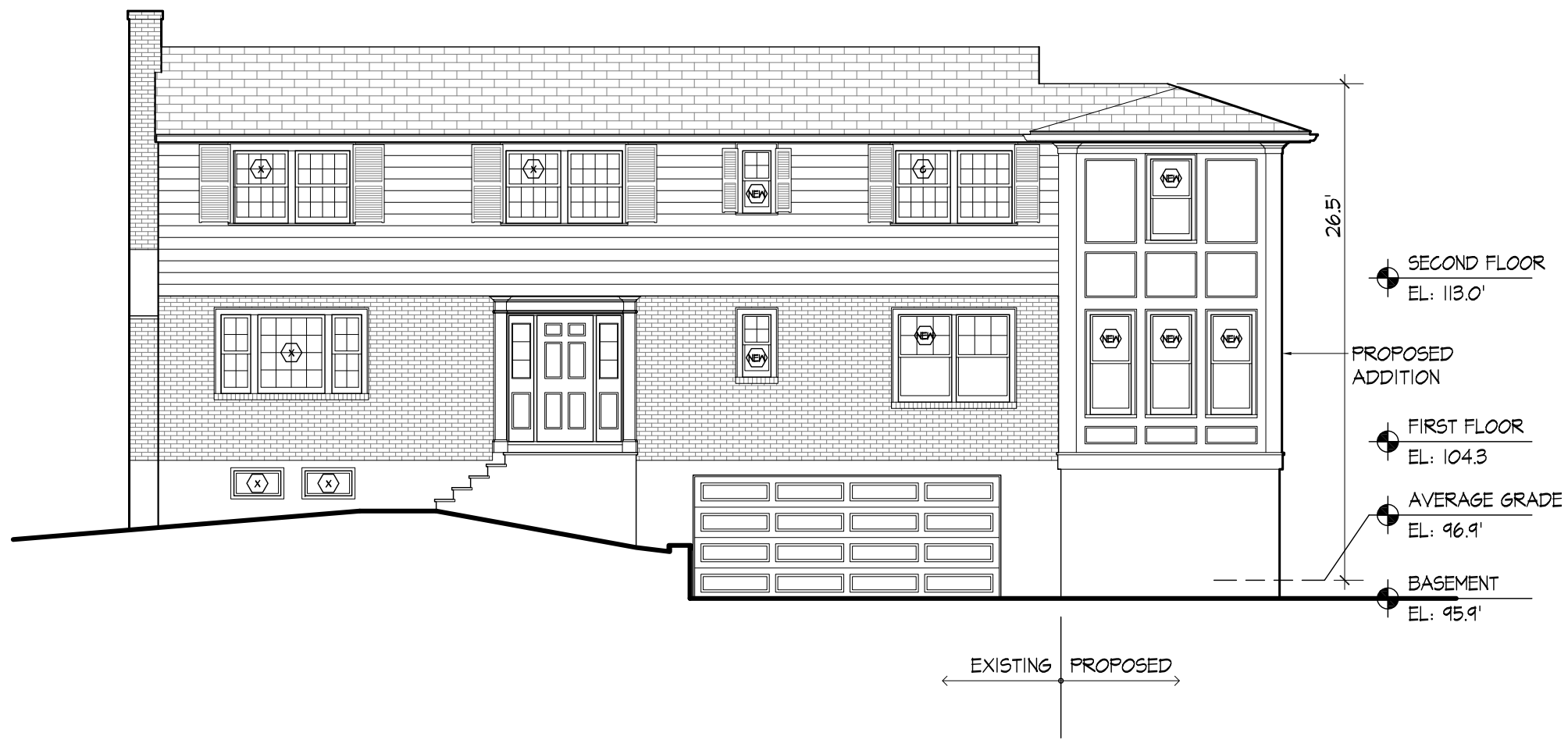
28 EAST BOULEVARD ROAD
NEWTON, MA 02459

PROPOSED
ADDITION

MAY 29, 2019

EXTERIOR
ELEVATIONS

SCALE: 1/8" = 1'-0"



1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"

A4-1



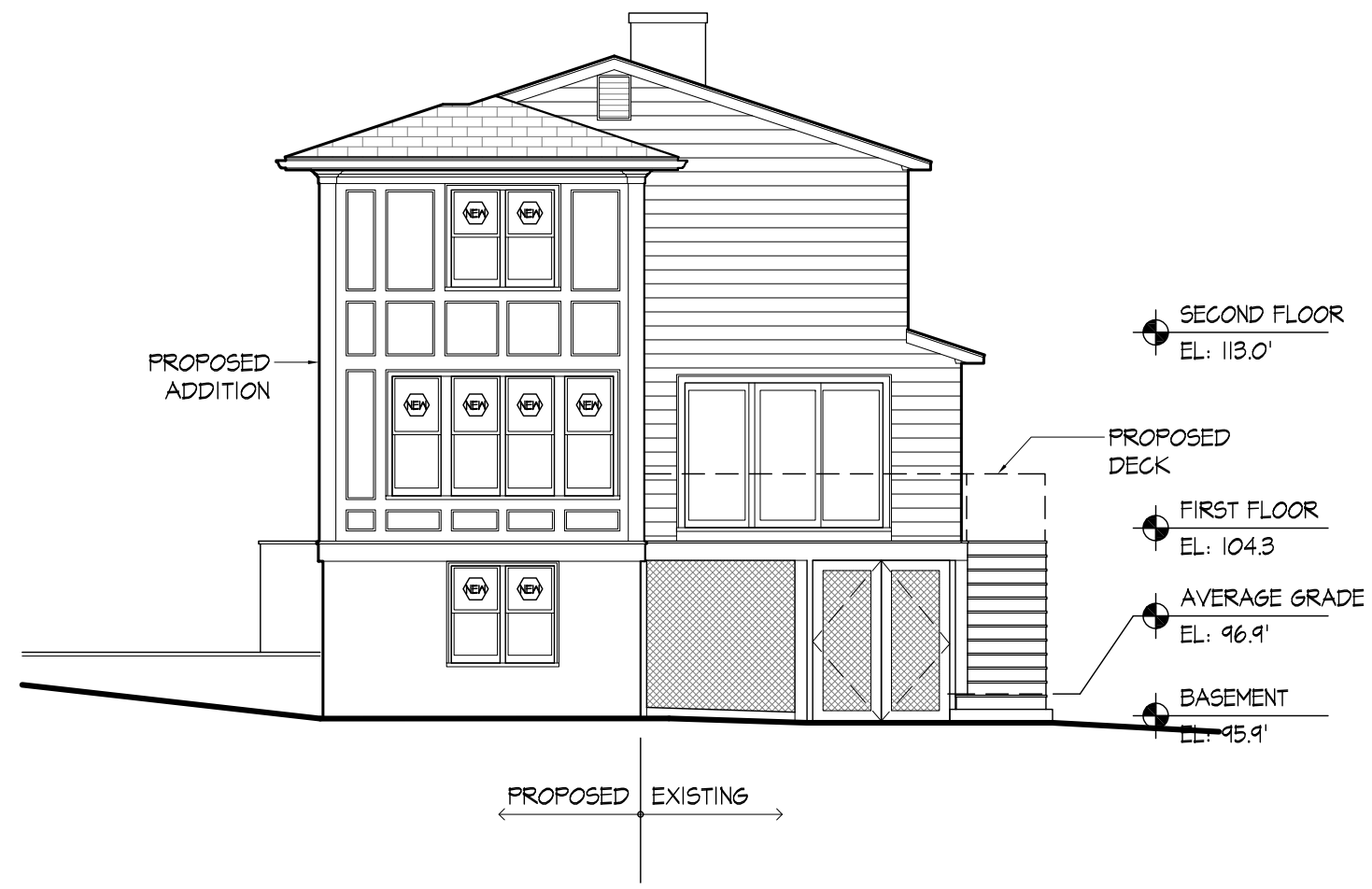
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**FISHMAN
RESIDENCE**

28 EAST BOULEVARD ROAD
NEWTON, MA 02459



**PROPOSED
ADDITION**

MAY 29, 2019

**EXTERIOR
ELEVATIONS**

SCALE: 1/8" = 1'-0"



1 SIDE ELEVATION
SCALE: 1/8" = 1'-0"

A4-2



MAYER + ASSOCIATES
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**FISHMAN
RESIDENCE**

28 EAST BOULEVARD ROAD
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**PROPOSED
ADDITION**

MAY 29, 2019

**EXTERIOR
ELEVATIONS**

SCALE: 1/8" = 1'-0"



1 REAR ELEVATION
SCALE: 1/8" = 1'-0"

A4-3

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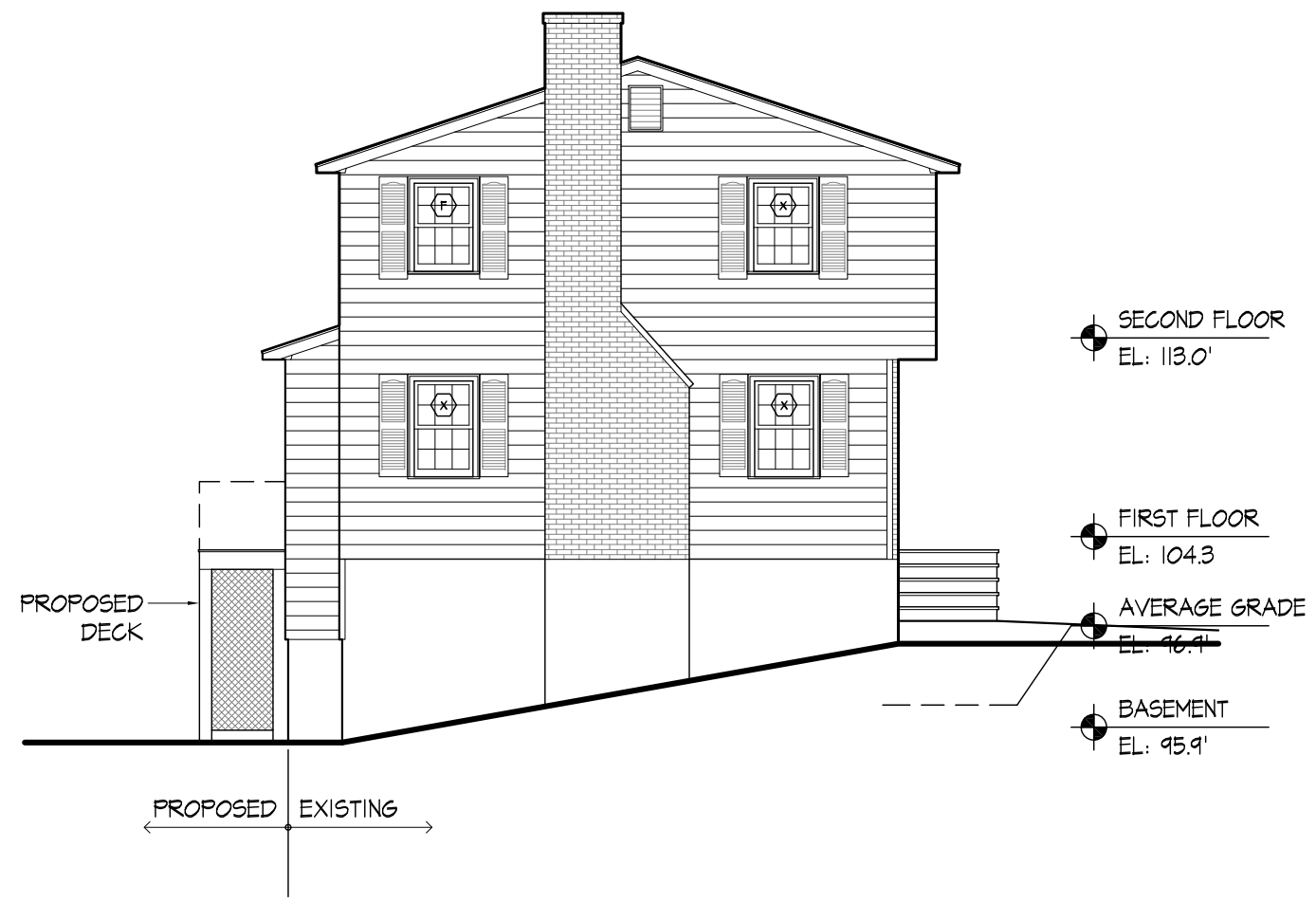
28 EAST BOULEVARD ROAD
NEWTON, MA 02459

PROPOSED
ADDITION

MAY 29, 2019

EXTERIOR
ELEVATIONS

SCALE: 1/8" = 1'-0"



1 SIDE ELEVATION
SCALE: 1/8" = 1'-0"

A4-4