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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: July 16, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Michael and Shira Fishman, Applicants  
Alan J. Mayer, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to further extend a nonconforming three-story dwelling**

Applicant: Michael and Shira Fishman	
Site: 28 East Boulevard Road	SBL: 73033 0032
Zoning: SR2	Lot Area: 11,301 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 28 East Boulevard Road consists of an 11,301 square foot lot improved with a single-family residence constructed circa 1963. The property is sloped such that it renders the existing dwelling three stories, as most of the basement level is exposed and is the first story as defined by the ordinance. A City of Newton drain easement runs along the northern side of the property, with an existing deck built slightly into it. The petitioners propose to construct a three-story side addition, further extending the nonconforming three-story structure.

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

- Zoning Review Application, prepared by Alan J. Mayer, architect, dated 5/29/2019
- FAR Worksheet, submitted 5/29/2019
- Plan of Land – Existing Conditions, signed and stamped by Bruce Bradford, surveyor, dated 4/4/2019
- Plan of Land – Proposed Conditions, signed and stamped by Bruce Bradford, surveyor, dated 5/20/2019
- Architectural Plans and Elevations, signed and stamped by Alan J. Mayer, architect, dated 5/29/2019

**ADMINISTRATIVE DETERMINATIONS:**

1. The existing single-family dwelling is considered to have three stories, as the topography is such that the slope exposes the majority of the basement level, rendering it the first story. Per section 3.1.3, a three-story structure requires a special permit in the Single Residence 2 zoning district. The petitioners intend to raze the existing deck, and construct a three-story addition at the northeast corner, enlarging an existing first floor basement, sunroom and building a level on top of it. The petitioners also intend to reconstruct the deck over the drain easement. To construct the proposed addition further extends the nonconforming three-story structure, requiring a special permit per sections 3.1.3 and 7.8.2.C.2.

<b>SR2 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	10,000 square feet	11,301 square feet	No change
Frontage	80 feet	141 feet	No change
Setbacks			
• Front	25 feet	32.2 feet	29.8
• Side	7.5 feet	22.6 feet	No change
• Rear	15 feet	20.4 feet	No change
Max Number of Stories	2.5	<b>3</b>	<b>No change</b>
Height	36 feet	28.9 feet	No change
FAR	.46	.34	.38
Max Lot Coverage	30%	12%	13.3%
Minimum Open Space	50%	±81%	±81%

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3, §7.8.2.C.2	Request to further extend nonconforming three-story structure	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