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Acting Director

## ZONING REVIEW MEMORANDUM

Date: May 30, 2016

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: Matt and Wendy Feiner, applicants  
Peter Sachs, architect  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to allow a three-story single-family structure and to exceed FAR**

Applicant: Matt and Wendy Feiner	
Site: 20 Ferncroft Road	SBL: 53008 0009
Zoning: SR2	Lot Area: 9,793 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 20 Ferncroft Road consists of a 9,793 square foot lot created by variance in 1968. The property is improved with a single-family ranch style dwelling constructed in 1969. Due to the average grade of the property, the structure has two stories, though it functions as a single-story structure. The applicant proposes to add a second floor, which will create a three-story structure for the purposes of zoning, 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, submitted 4/18/2016
- Topographic Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 4/12/2016
- Architectural Plans, prepared by Peter Sachs, architect, dated 3/22/2016
- Newton Zoning Board of Appeals Decision #15-66, dated 11/21/1966

**ADMINISTRATIVE DETERMINATIONS:**

1. The subject lot was deeded to the owners of the adjacent lot at 24 Ferncroft Road in 1945, and was vacant at the time. Except for the fact that the owner of the improved property at 24 Ferncroft Rd was also the owner of the then unimproved lot at 20 Ferncroft Road, the subject lot would have been a buildable lot. However, because of the common ownership, a literal application of the Ordinance would require that the lots merged for the purposes of zoning. For that reason, the ZBA granted the variance to allow for the lot to be separately built upon, and treated as an old lot for the purposes of the dimensional requirements.
2. The average grade plane surrounding the structure creates 2 stories per Section 1.5.4.D through F. Section 3.1.3 allows a maximum of 2.5 stories in the SR3 zoning district. To add a second story of living space creates a three story structure. A special permit pursuant to Sections 3.1.3 is required to allow a three-story single-family dwelling.
3. The applicant proposes a 737 square foot addition. The existing FAR for the property is .38, which is less than the allowable FAR of .40 (.38 plus the 0.02 bonus for meeting new lot setback requirements) per Section 3.1.9. The proposed addition creates an FAR of .45, exceeding the maximum allowable FAR and requires a special permit pursuant to Section 3.1.9.A.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	9,793 square feet*	9,793 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks			
• Front (Oakmont)	25 feet	41.8 feet	No change
• Side	7.5 feet	9.8 feet	No change
• Rear	15 feet	37.6 feet	No change
Building Height	36	22.91 feet	27.24 feet
Max Number of Stories	2.5	2	<b>3</b>
Open Space Minimum	50%	68.9%	68.6%
Lot Coverage Maximum	30%	20%	20.3%
FAR	.40	.38	<b>.45</b>

\*Variance #15-66 dated November 21, 1966 allowed a reduced lot area of 9,793 square feet

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§1.5.4.D- F §3.1.3,	Request to allow three stories	S.P. per §7.3.3
§3.1.9.A.2	Request to exceed maximum FAR	S.P. per §7.3.3