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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 7, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Deb & Bryan Gilpin, Applicants
Andrew Reck, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Acting City Solicitor

RE: **Request to further increase nonconforming FAR**

Applicant: Deb & Bryan Gilpin	
Site: 67 Marlboro Street	SBL: 72020 0007
Zoning: SR2	Lot Area: 7,987 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 67 Marlboro Street consists of a 7,987 square foot corner lot improved with a single-family residence constructed in 1900 and a detached garage. The petitioners propose to construct a two-story addition at the side and one-story addition at the rear, both over space currently occupied by a deck. 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 Andrew Reck, architect, submitted 4/25/2019
- FAR Worksheet, submitted 4/25/2019
- Existing Plan of Land, prepared by Everett M. Brooks Co., surveyor, dated 11/9/2017
- Proposed Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 10/11/2018
- Architectural Plans and Elevations, signed and stamped by Andrew J. Reck, architect, dated 3/6/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to construct a two-story side addition, adding to the living room and a bedroom above, as well as a one-story rear addition, both over the footprint of existing deck space. The existing FAR is .49, where .41 is the maximum allowed. The proposed addition adds 474 square feet to the dwelling, resulting in an FAR of .55. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.
2. The property is a corner lot, at the intersection of Marlboro and Nonantum streets. Per section 1.5.3.A, the rear lot line is that which is opposite the front door, which is on Marlboro Street in this case. A building permit was issued in 1981 for construction of a detached garage structure at the rear of the house facing Nonantum Street at 6.6 feet from the rear lot line, where 5 feet is required. While it was not shown on the permit, according to a neighbor, a deck was constructed at the same time which connected the garage to the house. The owners have lived in the house for 11 years and state that the deck existed at the time they purchased the house in 2008. As the deck connects the house to the garage, the garage is now considered attached and must meet the setback requirements of the principal structure, which are 25 feet from Nonantum Street and 15 feet from the rear lot line. The deck and the garage are in violation of the rear lot setback requirement at 6.6 feet, where 15 feet is required. Per MGL Chapter 40A section 7, as the deck and the connection have existed for more than ten years and no action has been taken as to the violation, the structure is considered legally nonconforming. No alteration or extension of the nonconformity is proposed by the requested special permit, and no relief is required.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,987 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks			
• Front	25 feet	25 feet	No change
• Side	7.5 feet	9.1 feet	No change
• Rear	15 feet	6.6 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.41	.49	.55
Max Lot Coverage	30%	21.5%	24.3%
Min. Open Space	50%	60%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<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