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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 30, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Beata Shapiro, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to exceed FAR and to allow an oversized accessory apartment

Applicant: Beata Shapiro	
Site: 26 Gilbert Street	SBL: 33002 0025
Zoning: MR1	Lot Area: 5,000 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 26 Gilbert Street consists of a 5,000 square foot lot improved with a single-family residence constructed in 1930. The petitioners have received a building permit to construct an addition to the second level of the dwelling to include an accessory apartment. They now seek to enclose an existing sunporch over the garage to provide additional square footage to the apartment.

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

- Zoning Review Application, prepared by Beata Shapiro, applicant, dated 9/16/2020
- FAR Worksheet, submitted 9/16/2020, revised 11/17/2020, 11/26/2020
- Plan of Land, signed and stamped by A. Matthew Belski Jr., surveyor, dated 9/9/2020
- Architectural Plans and elevations, prepared by RAV & Associates, dated 9/11/2019, revised 11/17/2020, 11/26/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners intend to enclose an existing porch over the garage to create a four-season room. The additional square footage results in a total of 3,184 square feet. The existing FAR is .58, where .58 is the maximum allowed. The proposed addition results in a FAR of .64, exceeding the maximum allowed, requiring a special permit pursuant to Sections 3.1.3 and 3.1.9.
2. Per section 6.7.1.D.2 an internal accessory apartment exceeding 1,000 square feet may be up to 1,200 square feet or 40% of the total habitable space, whichever is less, with a special permit. The additional habitable space increases the square footage of the accessory apartment to 1,133 square feet, or 40% of the total 2,833 square feet of habitable space, requiring a special permit.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	5,000 square feet	No change
Frontage	70 feet	50 feet	No change
Setbacks			
• Front	16 feet	16.3 feet	No change
• Side	7.5 feet	8.3 feet	No change
• Rear	15 feet	20.2 feet	No change
Max Number of Stories	2.5	1.5	2.5
Max Height	36 feet	33.1 feet	No change
FAR	.58	.58	.64
Max Lot Coverage	30%	34%	No change
Min. Open Space	50%	43.4%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3, §3.1.11	Request to exceed FAR	S.P. per §7.3.3
§6.7.1.D.2	Request to allow an oversized internal accessory apartment	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