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**Barney S. Heath**  
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## ZONING REVIEW MEMORANDUM

Date: January 14, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Robert and Cindy Laughrea  
Alan Mayer, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: **Request to further extend the nonconforming building height and to amend Special Permit #130-17**

Applicant: Robert & Cindy Laughrea	
Site: 164 Highland Avenue	SBL: 24012 0020
Zoning: SR1	Lot Area: 26,154 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 164 Highland Avenue consists of two lots totaling 26,154 square feet, currently improved with a single-family dwelling constructed in 1890 and detached garage. The petitioners received a special permit in 2017 to exceed the floor area ratio and to construct an oversized attached garage. After the issuance of the special permit, it was determined that the average grade was miscalculated, and the correct measurement renders the building height nonconforming. The approved addition further increases the nonconforming building height, requiring a special permit. Further, the petitioners seek to add a parcel of land to the subject property. With the additional lot area, the relief for FAR is no longer required. They now seek to amend the existing special permit to allow for changes to the grading and driveway design, as well as new landscape elements including patios, wall, fences and a pool and to eliminate the FAR relief. As well, the petitioners intend to file an ANR plan to combine a rear lot with the existing lot.

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

- Zoning Review Application, prepared Alan Mayer, architect, submitted 12/10/2020
- Existing Condition Plan of Land, signed and stamped by John R. Hamel, surveyor, dated 12/9/2020
- Proposed Condition Plan of Land, prepared by John R. Hamel, surveyor, dated 12/9/2020
- FAR worksheet, signed and stamped by Alan J. Mayer, architect, submitted 12/10/2020

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners received Special Permit #130-17 to exceed the FAR and the maximum size for a garage. After the special permit was granted, it was determined that the average grade, and thus the height of the dwelling, was miscalculated. The petitioners seek to amend the special permit to extend the nonconforming building height, and to make changes to the site plan.
2. The petitioners own a 3,924 square foot unimproved lot to the rear of the subject property. They intend to file an ANR plan eliminating the interior lot lines, creating one 26,154 square foot lot. Per section 7.8.4.D.6, the lot remains an old lot. However, after this change to the lot lines, if more than 50% of the dwelling is demolished, the new lot dimensional requirements will apply.
3. The petitioner was granted relief in the 2017 special permit to exceed the FAR, from .19 to .28, where .27 is the maximum allowed by right per sections 3.1.3 and 3.19. With the additional lot area provided by the rear lot, the proposed FAR is reduced .24, which complies with sections 3.1.3 and 3.19.
4. A new survey was done after the issuance of the special permit which determined that the dwelling has a nonconforming building height of 38.4 feet where 36 is that maximum allowed per section 3.1.3. The approved addition increases the nonconforming building height to 39.6 feet, requiring a special permit per sections 3.1.3 and 7.8.2.C.2.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	22,230 square feet	26,154 square feet
Frontage	100 feet	134 feet	No change
Setbacks			
• Front	25 feet	35.8 feet	37.1 feet
• Side	12.5 feet	41.4 feet	No change
• Side	12.5 feet	54.6 feet	No change
• Rear	25 feet	>50 feet	25 feet (pool)
Height	36 feet	<b>38.4 feet</b>	<b>39.6 feet</b>
Stories	2.5	2.5	No change
FAR	.27	.19	.24
Max Lot Coverage	20%	10.2%	12.9%
Min. Open Space	65%	84.8%	78%

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Special Permit #130-17	
§3.1.3 §7.8.2.C.2	Request to further extend nonconforming height	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