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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: November 24, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: John Arone, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: Request to extend a nonconforming two-family use and to exceed FAR

<b>Applicant: John Arone</b>	
<b>Site:</b> 74-76 Cummings Road	<b>SBL:</b> 64003 0040
<b>Zoning:</b> SR2	<b>Lot Area:</b> 17,528 square feet
<b>Current use:</b> Two-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 74-76 Cummings Road consists of a 17,528 square foot lot currently improved with a two-family dwelling constructed in 1910. The petitioner intends to convert the existing dwelling into a single unit and construct an addition of a second unit, maintaining the two-family dwelling use.

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

- Zoning Review Application, prepared by John Arone, applicant, submitted 8/16/2020
- Plan showing existing and proposed conditions, signed and stamped by Robert Bibbo, surveyor, dated 9/23/2020
- Architectural plans and elevations, signed and stamped by Island Architects, dated 6/19/2019, revised 10/15/2020

**ADMINISTRATIVE DETERMINATIONS:**

1. The existing two-family dwelling use is nonconforming, where two-family dwellings are prohibited in the Single Residence 2 zoning district per section 3.4.1. The petitioner intends to convert the existing two-family dwelling into a single unit and construct a new attached second unit, maintaining the nonconforming two-family dwelling use. A special permit is required to alter and extend the nonconforming two-family dwelling use per sections 3.4.1 and 7.8.2.C.2.
2. The existing structure has a nonconforming front setback of 11.5 feet where 17.3 feet is required per the averaging provisions of section 1.5.3.B. The proposed construction extends the nonconforming front setback to the new dwelling unit, with a proposed front setback of 13 feet. A special permit per sections 3.1.3 and 7.8.2.C.2 is required.
3. The petitioner proposes to construct additions of a second dwelling unit and a single-car garage for each unit. The proposed additions add 3,061 square feet, increasing the FAR from .18 to .35 where .33 is the maximum allowed. A special permit is required to exceed the maximum FAR per sections 3.1.3 and 3.1.9.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	17,528 square feet	No change
Frontage	80 feet	<b>239.6 feet</b>	<b>No change</b>
Setbacks			
• Front	17.3 feet	<b>11.5 feet</b>	<b>13 feet</b>
• Side	7.5 feet	16.5 feet	10.4 feet
• Side	7.5 feet	16.5 feet	No change
• Rear	15 feet	>25 feet	23 feet
Height	36 feet	33 feet	33.2 feet
Stories	2.5	2.5	2.5
FAR	.33	.18	.35
Max Lot Coverage	30%	7.9%	16.7%
Min. Open Space	50%	87.9%	79%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to extend a nonconforming two-family dwelling? use	S.P. per §7.3.3
§1.5.3.B §3.1.3 §7.8.2.C.2	Request to extend a nonconforming front setback	S.P. per §7.3.3
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3