



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

**124-21**

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

---

## PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 13, 2021  
Land Use Action Date: July 13, 2021  
City Council Action Date: July 19, 2021  
90-Day Expiration Date: August 5, 2021

DATE: May 7, 2021

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

SUBJECT: **Petition #124-21** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct dormers on the attic level that exceed 50% of the wall plane below and within 3' of the end wall in the attic level, creating a three-story structure in the MR3 zone at **28 Harrington Street**, Ward 2, on land known as Section 21 Block 35 Lot 15, containing approximately 9,124 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.2.3, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2017.

---

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



## EXECUTIVE SUMMARY

The subject property located at 28 Harrington Street consists of a 9,124 square foot lot in a Multi Residence 3 (MR3) district improved with a 3,746 square foot, 2 ½ story, two-family dwelling constructed circa 1928 and a 364 square foot detached garage.

The petitioner proposes to increase the area of the attic level with ceiling heights of 7 feet or greater to 935 square feet by constructing two new dormers and increasing the height of the dwelling's roofline. As the size of the expanded attic would represent 72% of the square footage of the 1,298 square foot second story below (more than the maximum 66% for a "half story"), it would render the attic a full third floor, thus requiring a special permit per Section 3.2.3 of the Newton Zoning Ordinance (NZO).

Further, as designed, each of the dormers would be wider than 50% of the exterior walls of the story next below, requiring a special permit per Section 1.5.4.G.2.b of the NZO to allow oversized dormers.

The Planning Department is generally not concerned with the proposed work and notes that other dwellings in the neighborhood feature similar attic additions.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site in a Multi Residence 3 (MR3) district is an appropriate location for a three-story two-family dwelling as designed with oversized dormers (§7.3.3.C.1)
- The three-story two-family dwelling as designed with oversized dormers will adversely affect the neighborhood (§7.3.3.C.2)
- The three-story two-family dwelling as designed with oversized dormers will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located on the east side of Harrington Street, between Washington Street and Albemarle Road. The site is developed with a two-family dwelling, and the surrounding neighborhood is predominantly composed of two- and multi- family dwellings, as well as single- family dwellings interspersed throughout (**Attachment A**). The site and surrounding areas to the immediate west and east are zoned Multi-Residence 3, with a Multi-Residence 1 (MR1) district located just to the north (**Attachment B**).

#### B. Site

The subject property consists of a 9,124 square foot lot district improved with a 3,746 square foot, 2 ½ story two-family dwelling and a 364 square foot detached garage.

The lot slopes gently downward about seven feet from the front (west) to rear (east) property lines. Auto access is provided by two paved driveways- one that serves the detached garage in the rear right of property and a shorter parking area to the left of the dwelling. The remaining portions of the site feature lawn areas and other vegetation.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The principal use of the site will remain a two-family dwelling.

#### B. Building and Site Design

The petitioner proposes to construct dormers on the either side of the structure's attic level and to do so in conjunction with increasing the height of the roofline. The proposed work, by raising the ceiling level of portions of the attic, would increase the floor area on that level with ceiling heights of 7 feet or greater to 935 square feet. As that would represent 72% of the 1,298 square foot second floor below, it would be greater than the maximum two-thirds (or 66%) allowed for "half stories" and therefore result in the attic constituting a full third story (rather than a half story as currently is the case).

Further, as designed, at 78% and 63% of the widths of the walls next below, them both the southern and northern side dormers are wider than the 50% allowed by right.

The Planning Department notes that as proposed the structure's height would be increased to 35 feet 9 inches, just below the 36 feet allowed. While the additional square footage area would increase the property's floor area ratio (FAR) from 0.41 to 0.51, it would remain below the 0.53 allowed by right. No changes would be made to the property's setbacks lot coverage, or open space.

#### C. Parking and Circulation

No changes to the parcel's parking or circulation are contemplated by the present petition.

#### D. Landscaping

No changes to the parcel's landscaping are contemplated by the present petition.

### IV. TECHNICAL REVIEW

#### A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3 to:
  - allow a three-story structure (§3.2.3)
  - allow the oversized dormers (§1.5.4.G.2.b)

#### B. Engineering Review

Review of the project by the Engineering Division is not required at this time.

C. Newton Historical Commission Review

On January 21, 2021, Newton Historical Commission (NHC) staff reviewed and approved the project subject to review of final construction plans prior to the issuance of a building permit.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Council Order

# ATTACHMENT A






## Land Use

28 Harrington St.

*City of Newton,  
Massachusetts*

## Land Use

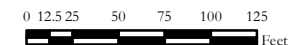
### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Open Space
-  Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield





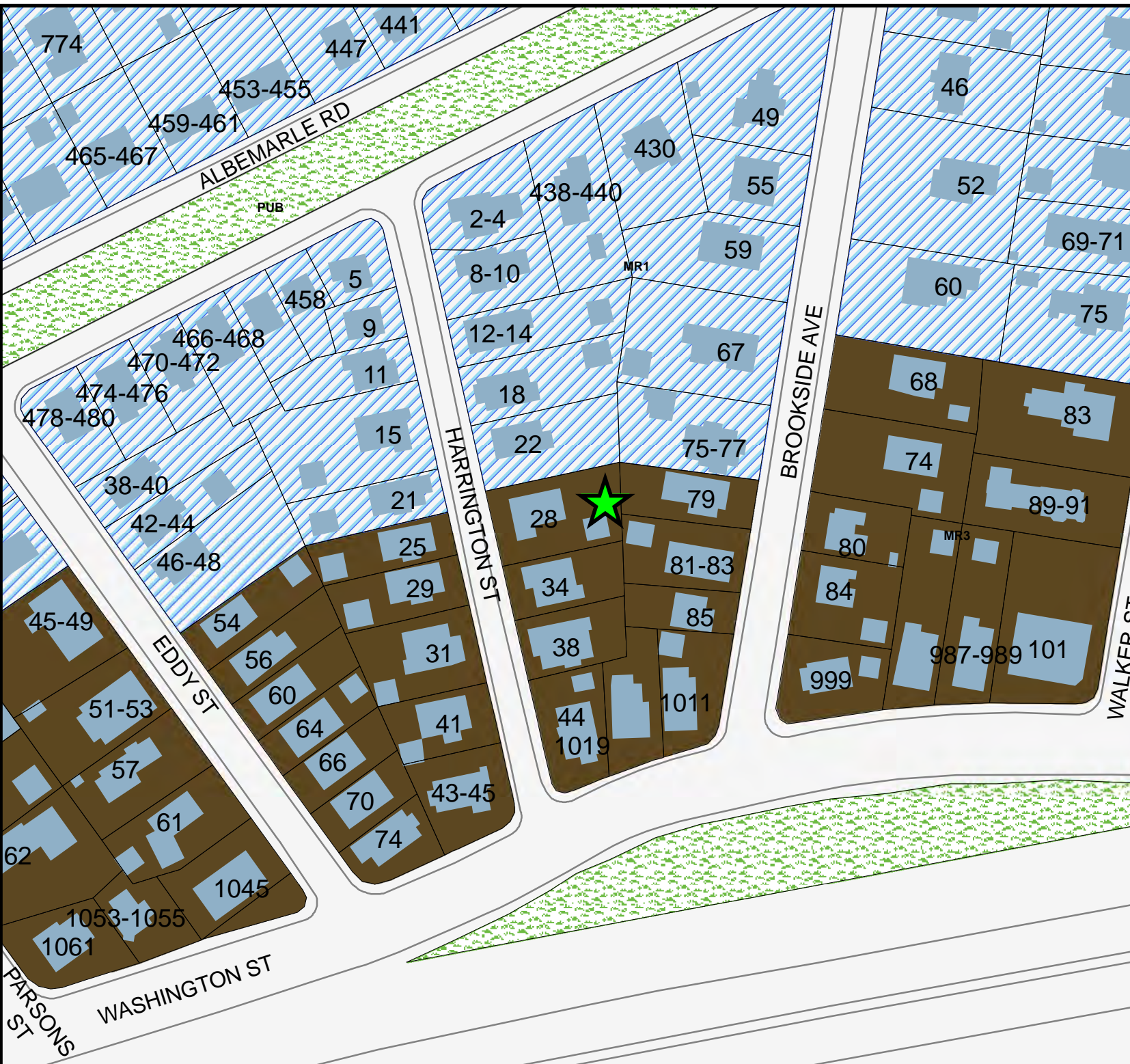
Map Date: May 05, 2021

## Zoning

### 28 Harrington St.

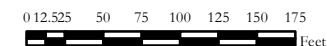
*City of Newton,  
Massachusetts*

-  Multi-Residence 1
-  Multi-Residence 3
-  Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield





Ruthanne Fuller  
Mayor

ATTACHMENT C

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

**Barney S. Heath**  
Director

**ZONING REVIEW MEMORANDUM**

Date: *March 29, 2021*

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Domenico Tambascia, Applicant  
Terrence Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

**RE: Request to allow a three-story structure and an oversized dormer**

Applicant: Domenico Tambascia	
Site: 28 Harrington Street	SBL: 21035 0015
Zoning: MR3	Lot Area: 9,124 square feet
Current use: Two-family dwelling	Proposed use: No change

**BACKGROUND:**

The property located at 28 Harrington Street consists of a 9,124 square foot lot improved with a two-family dwelling constructed circa 1928. The petitioner proposes to construct an oversized dormer in the attic level, resulting in a three-story structure.

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

- Zoning Review Application, prepared by Terrence Morris, attorney, submitted 2/10/2021
- Site survey, prepared by VTP Associates, dated 11/22/2011
- Architectural Plans and Elevations, prepared by Nicholas Paolucci, architect, dated 2/3/2021
- FAR worksheet, signed and stamped by Nicholas Paolucci, architect, undated

**ADMINISTRATIVE DETERMINATIONS:**

1. The existing structure is 2.5 stories. A half story is defined as the story directly under a sloping roof where the area with a ceiling height of 7 feet or greater is less than 2/3 (66%) of the area of the story next below. The petitioner intends to construct dormers in the attic level above the second story, increasing the area with a ceiling height of 7 feet or greater to 935 square feet where the second story has 1,298 square feet, or 72%, resulting in a three-story structure. Per section 3.2.3, a special permit is required to allow for a three-story two-family structure in the MR3 zoning district.
2. The petitioner proposes to construct dormers on the either side of the structure. Per section 1.5.4.G.2.b, a dormer wider than 50% of the exterior wall of the story next below requires a special permit. The proposed dormer on the southern side is proposed at 78% of the wall next below, and the dormer on the northern side is proposed at 63%, both exceeding the maximum 50% allowed by the ordinance. A special permit is required to allow the two oversized dormers.

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3	Request to allow a three-story structure	S.P. per §7.3.3
§1.5.4.G.2.b	<i>Request to allow oversized dormers</i>	S.P. per §7.3.3



CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow a three-story structure (§3.2.3) and allow two oversized dormers (§1.5.4.G.2.b)

as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site in a Multi Residence 3 (MR3) district is an appropriate location for a three-story two-family dwelling as designed with oversized dormers as it is located in a neighborhood with similarly scaled dwellings (§7.3.3.C.1)
2. The three-story two-family dwelling as designed with oversized dormers will not adversely affect the neighborhood as it will be similar in scale and design to other dwellings in the neighborhood and is compliant with other relevant dimensional standards (§7.3.3.C.2)
3. The three-story two-family dwelling as designed with oversized dormers will not create a nuisance or serious hazard to vehicles or pedestrians because there are no changes to the parking or circulation on site (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

PETITION NUMBER: #124-21

PETITIONER(S): Domenico Tambascia

LOCATION: 28 Harrington Street, on land known as Section 21, Block 35, Lot 15, containing approximately 9,124 sq. ft. of land

OWNER(S): Domenico Tambascia

ADDRESS OF OWNER(S): 28 Harrington Street

Newton, MA

TO BE USED FOR: Two-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit per §7.3.3 to:

- allow a three-story structure (§3.2.3)
- allow the oversized dormers (§1.5.4.G.2.b)

ZONING: Multi Residence 3 (MR3) district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. A site plan entitled "Topographic Site Plan, Newton, Massachusetts, Showing Existing Conditions at #28 Harrington Street, " prepared by VTP Associates, Inc., dated November 22, 2011
  - b. A set of plans entitled "Tambascia Addition, 28 Harrington Street- Newton, MA," prepared by Mass Architect, Nicholas Paolucci, AIA, dated February 3, 2021:
    - i. Cover (C)
    - ii. Existing Basement Floor Plan (0)
    - iii. Existing First Floor Plan (1)
    - iv. Existing Second Floor Plan (2)
    - v. Existing Attic Floor Plan (3)
    - vi. Existing Roof Plan (4)
    - vii. Proposed Second Floor Plan (5)
    - viii. Proposed Attic Floor Plan (6)
    - ix. Proposed Roof Plan (7)
    - x. Existing vs. New Building Section (8)
    - xi. Existing Front West Elevation (9)
    - xii. Existing South Side Elevation (10)
    - xiii. Existing Rear East Elevation (11)
    - xiv. Existing North Side Elevation (12)
    - xv. Proposed Front West Elevation (13)
    - xvi. Proposed South Side Elevation (14)
    - xvii. Proposed Rear East Elevation (15)
    - xviii. Proposed North Side Elevation (16)
  - c. A document entitled "Floor Area Ratio Worksheet, 28 Harrington Street," indicating a proposed "Total gross floor area" of 4,631 square feet and a proposed

“FAR” (floor area ratio) of 0.513, signed and stamped by Nicholas R. Paolucci, Registered Architect .

2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect and certifying compliance with Condition #1.
  - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.