



Ruthanne Fuller
Mayor

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: April 7, 2021

To: John Lojek, Commissioner of Inspectional Services

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

CC: Rachel and Marko Rosenfeldt, Applicants
Laurance Lee, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request for a special permit to further extend nonconforming FAR and lot coverage and variances from the side and rear setback requirements

Applicant: Rachel and Marko Rosenfeldt	
Site: 158 Parmenter Road	SBL: 34047 0001
Zoning: SR3	Lot Area: 4,990 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 158 Parmenter Road consists of a 4,990 square foot lot improved with a single-family dwelling constructed in 1928 and a detached garage in the Single Residence 3 zoning district. The petitioner intends to demolish the existing detached garage and replace it with an attached garage with a home office above.

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

- Zoning Review Application, prepared by Laurance Lee, attorney, submitted 2/23/2021
- Existing Condition Plan, signed and stamped by Verne T. Porter Jr, surveyor, dated 6/16/2020
- Proposed Condition Plan, signed and stamped by Verne T. Porter Jr, surveyor, dated 6/16/2020
- FAR worksheet, signed and stamped by Elizabeth D. Marcoulier, architect, submitted 2/23/2021
- Floor Plan and Elevations, prepared by Elizabeth D. Marcoulier, architect, dated 2/12/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to raze the existing detached garage and replace it with an attached single-car garage with a home office above. The existing detached garage meets the required five-foot setbacks from the side and rear lot lines, per section 3.4.3.A.2 for detached accessory buildings. The proposed garage is similarly situated but is attached and therefore required to meet the setbacks for the principal structure. The petitioner proposes a 5.5-foot side setback where 7.5 feet is required per section 3.1.3. A variance per section 7.6 to allow for two feet of relief from the side setback is required.
 2. The proposed attached garage has a 4.9-foot rear setback, where 15 is required per section 3.1.3. A variance is required per section 7.6 to allow for 10.1 feet of relief from the rear setback requirement.
 3. Per section 3.1.9 the allowable FAR for the parcel is .48. The proposed 667 square foot two-story attached garage addition results in a total of 3,226 square feet, further increasing the nonconforming FAR from .51 to .65. A special permit per sections 3.1.3, 3.1.9 and 7.8.2.C.2 is required to further increase the nonconforming FAR.
 4. Per section 3.1.3, the maximum allowable lot coverage is 30%. The proposed addition increases the nonconforming lot coverage from 32.4% to 38.01%, requiring a special permit per sections 3.1.3 and 7.8.2.C.2
1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3	Request to allow a 5.5-foot side setback	Variance per §7.6
§3.1.3	Request to allow a 4.9-foot rear setback	Variance per §7.6
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further increase nonconforming lot coverage	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:

1. Two (2) copies of the completed Special Permit Application (signed by property owner)
2. Filing Fee (see Special Permit Application)
3. Two (2) copies of the Zoning Review Memorandum
4. 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)
5. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
6. One (1) copy of any previous special permits or variances on the property (as applicable)
7. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
8. 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