



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: August 30, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Matthew and Megan Feinberg, Applicants
Tova Greenberg, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to extend a nonconforming three-story structure

Applicant: Matthew & Megan Feinberg	
Site: 173 Allen Avenue	SBL: 53022 0010
Zoning: SR2	Lot Area: 13,776 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 173 Allen Avenue consists of a 13,776 square foot lot improved with a single-family dwelling constructed in 1930. The petitioners propose to construct a three-story rear addition as well as a small front addition. The proposed changes will extend the nonconforming three-story structure, requiring a special permit.

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

- Zoning Review Application, prepared by Tova Greenberg, architect, submitted 7/20/2021
- Plan Showing Proposed Conditions, signed and stamped by Dennis O'Brien, surveyor, dated 6/15/2021
- Architectural plans and elevations, prepared by Tova Greenberg, architect, dated 5/21/2021
- FAR calculation, submitted 8/26/2021

ADMINISTRATIVE DETERMINATIONS:

1. Due to the topography the basement is the first story resulting in a three-story structure where 2.5 is the maximum allowed per section 3.1.3. The petitioners propose a three-story rear addition and a small addition to the front, further extending the nonconforming third story requiring a special permit per sections 3.1.3 and 7.8.2.C.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	13,776 square feet	No change
Frontage	100 feet	80 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Side • Rear 	25 feet 7.5 feet 0 feet* 15 feet	29.6 feet 12.3 feet 12.9 feet NA	No change No change 8.4 feet >150 feet
Max Number of Stories	2.5	3	No change
Max Height	36 feet	31.3 feet	32.5 feet
FAR	.34	.26	.29
Max Lot Coverage	30%	9.5%	11%
Min. Open Space	50%	86.7%	85.5%

Nonconformities are indicated in **bold**

*Per section 1.5.2 no setback is required from an aqueduct

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	Request to extend a nonconforming three-story structure	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