



**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: December 7, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Carol Quinn, Applicant  
Roger Wheaton, Agent  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to reconstruct and extend a nonconforming two-family use**

Applicant: Carol Quinn	
Site: 68 Evergreen Avenue	SBL: 41004 0011
Zoning: SR3	Lot Area: 12,271 square feet
Current use: Two-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 68 Evergreen Avenue consists of a 12,271 square foot lot currently improved with a legally nonconforming two-family dwelling constructed in 1923 and a detached garage structure. The property is located at the corner of Evergreen Avenue and the private way known by deed as Evergreen Terrace and shown on the submitted plans as Evergreen Circle. The petitioner proposes to raze the existing dwelling and construct a new two-family dwelling, expanding the footprint. The proposed construction requires a special permit to reconstruct and extend the nonconforming two-family dwelling use in the Single Residence 3 district.

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

- Zoning Review Application, prepared Roger Wheaton, submitted 7/22/2019, revised 12/6/2021
- FAR Worksheet, submitted 7/22/2019
- Topographic Site Plan, existing conditions, signed and stamped by Joseph R. Porter, surveyor, dated 10/30/2018
- Zoning Plan, proposed conditions, signed and stamped by Joseph R. Porter, surveyor, dated 7/18/2019
- Architectural plans and elevations, prepared by HPA Design, Inc, architect, dated 3/3/2019

**ADMINISTRATIVE DETERMINATIONS:**

1. The existing two-family dwelling was constructed in 1923. The two-family use is legally nonconforming, as it is located in the Single Residence 3 zoning district which prohibits two-family dwellings per section 3.4.1. The petitioner proposes to raze the existing two-family dwelling and detached garage and construct a larger two-family dwelling with an attached garage for each unit. A special permit per section 7.8.2.C.2 is required to reconstruct and extend the nonconforming two-family dwelling use.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	12,271 square feet	No change
Frontage	70 feet	141 feet	No change
Setbacks			
• Front (Evergreen Ave)	25 feet	<b>16.3 feet</b>	30.3 feet
• Front (Evergreen Cr)	25 feet	>50 feet	30.8 feet
• Side	7.5 feet	8.1 feet	10.3 feet
• Rear	15 feet	44 feet	25.5 feet
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	25.6 feet	27.5 feet
FAR	.40	NA	.40
Max Lot Coverage	30%	18.1%	20.5%
Min. Open Space	50%	73.8%	73%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1 §7.8.2.C.2	Request to reconstruct and extend a nonconforming two-family dwelling use	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