



**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459  
617-796-1120

Marc C. Laredo  
**Mayor**

Katie Whewell  
**Acting Director**

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**PUBLIC HEARING MEMORANDUM**

DATE: January 23, 2026

TO: City Council

FROM: Katie Whewell, Acting Director of Planning and Development  
Cat Kemmett, Deputy Chief Planner for Current Planning

SUBJECT: **Petition #15-26**, for SPECIAL PERMIT/SITE PLAN APPROVAL to further exceed FAR and to further extend a nonconforming front setback at 355 Walnut Street

PROJECT

MATERIALS: <https://newtonma.viewpointcloud.com/records/902460>

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.



**355 Walnut Street**

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Project Description

**Current Use:** Two-family residential constructed circa 1920

**Zoning:** Multi-residence 1 (MR-1)

**Lot size:** 7,238 square feet, corner lot

**Existing nonconformities:**

- 0.9-foot front setback from Walnut Park, where 25 feet is required
- Floor area Ratio (FAR) of .57 where up to .52 is allowed by right

**Proposal:** The petitioner seeks to construct an addition to the existing building. Because the addition has a proposed front setback of 7.9 feet, which is within the existing nonconforming front setback, a special permit is required to alter and extend the nonconforming front setback. The work will also further extend the nonconforming FAR from 0.57 to 0.58 where up to 0.52 is allowed by right, which requires relief.

Analysis

The Planning Department notes no specific concerns with the petition that would alter and extend the nonconforming front setback and further extend FAR. The requested setback relief is due to an existing nonconformity on the site and the new mudroom and stairs will have a more generous setback of 7.9 feet compared to the existing setback of the dwelling, which is 0.9 feet. Though the FAR will increase from .57 to 0.58, it is a modest increase with only 49.4 square feet being added. For these reasons, Planning believes the creation of the new mudroom and landing is unlikely to have a significant negative impact on abutters or the neighborhood compared to the existing structure.

Zoning Relief Requested:

For more details around the zoning analysis please refer to **Attachment A**.

Zoning Relief Required		
Ordinance		Action Required
§3.2.3 §7.8.2.C.2	Request to alter/extend the nonconforming front setback	S.P. per §7.3.3
§3.2.3 §3.2.11 §7.8.2.C.2	Request to extend the nonconforming FAR	S.P. per §7.3.3

Criteria for Consideration per §7.3.3. and/or §7.8.2.C.2:

- The proposed addition that alters and extends the nonconforming front setback is not substantially more detrimental than the existing nonconforming structure is to the

neighborhood. (§3.2.3 and §7.8.2.C.2)

- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.2.11 and §7.8.2.C.2)

### Project Proposal and Site Characteristics

355 Walnut Street consists of a 7,238 square foot corner lot at the intersection of Walnut Street and Walnut Park. The lot is improved with a 2.5 story two-family dwelling constructed in 1920. The existing dwelling has a nonconforming front setback of 0.9 feet from Walnut Park, where a minimum of 25 feet is required. The existing FAR is also nonconforming at 0.57 where up to 0.52 is allowed by right. The lot is located in Newtonville Village Center in an area that features a variety of zoning districts including Multi and Single Residence zones, Public Use, Commercial, and Village Center Overlay zones. Abutting properties include multi-family and single-family dwellings, retail establishments, and the Cooper Center for Active Living. The Newton Historical Commission (NHC) reviewed this proposal and in a decision dated September 12, 2025.

**(Attachment B)** They deemed the structure historically significant and approved the proposed project as designed. Because the NHC approved the project, there is no demolition delay in effect.

The petitioner proposes to create an addition with a mudroom and an uncovered entry landing for the rear unit of the building along the Walnut Park frontage. The dwelling has a pre-existing nonconforming setback of 0.9 feet from Walnut Park. The proposed new addition will have a setback of 7.9 feet, which exceeds the existing setback but will still fail to meet the required 25-foot front setback. Because the addition will alter and extend the nonconforming front setback on Walnut Park, special permit relief is required. Approximately 49.4 square feet of new gross floor area will be created, resulting in an increase in the FAR from 0.57 to 0.58 where up to 0.52 is allowed by right, which requires relief.

No changes are proposed to parking or vehicular access on site. With the exception of the front setback on Walnut Park, no other setbacks will be impacted by the work proposed. Open space will decrease slightly from 60.4% to 59.6% where a minimum of 50% is required, and lot coverage will increase 29.3% to 29.9% where up to 30% is allowed by right. Though no relief is required for this increase, Planning cautions the petitioner to be mindful of the lot coverage during construction should this petition be approved because any increase over 30% during would require a variance.

### ATTACHMENTS:

- Attachment A:** Zoning Review Memorandum
- Attachment B:** Newton Historical Commission Demolition Review Decision
- Attachment C:** DRAFT Council Order



Ruthanne Fuller  
Mayor

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

Attachment A  
ZR-25-64

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Barney Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: November 4, 2025

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Yevgenya Zislis, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to exceed FAR and to extend a nonconforming front setback**

Applicant: Yevgenya Zislis	
<b>Site:</b> 355 Walnut Street	<b>SBL:</b> 24011 0001
<b>Zoning:</b> MR1	<b>Lot Area:</b> 7,238 square feet
<b>Current use:</b> Two-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 355 Walnut Street consists of a 7,238 square foot lot improved with a 2.5-story, two-family dwelling constructed circa 1920. The petitioners propose to construct a mudroom and entry landing, extending the nonconforming front setback and FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Yevgenya Zislis, applicant, submitted 8/14/2025
- Certified Plot Plan, signed and stamped by Richard J Mede Jr, surveyor, dated 8/7/2025, revised 10/24/2025
- Floor Plans and Elevations, prepared by Jarvis Drafting & Design, dated 5/22/2025
- FAR calculations, submitted 11/2/2025

**ADMINISTRATIVE DETERMINATIONS:**

1. The existing dwelling has a nonconforming front setback of 0.9 feet from Walnut Park, where 25 feet is required per section 3.2.3. The petitioner seeks to extend the nonconforming front setback with the addition of a mudroom and uncovered entry landing. The addition has a proposed front setback of 7.9 feet, which is within the front setback, adding to the nonconformity. A special permit per section 7.8.2.C.2 is required to alter and extend the nonconforming front setback to construct the proposed addition.
2. The dwelling has an existing nonconforming FAR of 0.57 where the maximum allowed per sections 3.2.3 and 3.2.11 is 0.52. The proposed additions further extend the nonconforming FAR to 0.58, requiring a special permit per section 7.8.2.C.2.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	7,238 square feet	No change
Frontage	70 feet	52 feet	No change
Setbacks			
• Front (Walnut St)	25 feet	34.8 feet	No change
• Front (Walnut Park)	25 feet	<b>0.9 feet</b>	<b>No change*</b>
• Side	7.5 feet	14.8 feet	No change
• Rear	15 feet	30.8 feet	No change
Height	36 feet	34.35 feet	No change
Stories	2.5	2.5	No change
FAR	.52	<b>.57</b>	<b>.58*</b>
Max Lot Coverage	30%	29.3%	29.9%
Min. Open Space	50%	60.4%	59.6%

**BOLD** indicates a nonconformity

\*Relief required

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.2.3 §7.8.2.C.2	Request to alter/extend the nonconforming front setback	S.P. per §7.3.3
§3.2.3 §3.2.11 §7.8.2.C.2	Request to extend the nonconforming FAR	S.P. per §7.3.3



Ruthanne Fuller  
Mayor

# City of Newton, Massachusetts

Department of Planning and Development  
1000 Commonwealth Avenue Newton, MA 02459

Barney S. Heath  
Director

## Newton Historical Commission Demolition Review Decision

Date: September 12, 2025

Application # HRA-25-198

Address of structure: 355 WALNUT ST 2

Type of building: House

If partial demolition, feature to be demolished is Front Door and Steps

The building or structure is:

- in a National Register historic district or in a historic district eligible for listing
- individually listed on the National Register or individually eligible for listing.
- importantly associated with historic person(s), events, or architectural or social history
- historically or architecturally important for period, style, architect, builder, or context.
- in a local historic district not visible from a public way

is  **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is  **HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

**APPROVES** the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

Owner of Record:  
Yevgenya (Jana) Zislis & Burak Cesme

**Conditions:**

Determination made by:

*David Lewis*     *Kimberly Crocker*

David Lewis, Chief Preservation Planner

Kimberly Crocker, Senior Preservation Planner

Preserving the Past Planning for the Future



#15-26  
355 Walnut Street

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 an addition that will further exceed the maximum Floor Area Ratio (FAR) and alter and extend the nonconforming front setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

FINDINGS:

1. The site is an appropriate location for the proposed addition that will result in an FAR of 0.58 where 0.52 is the maximum allowed is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as the resulting dwelling will only be expanded by 49.4 square feet and the addition is limited to a single story. (§3.2.3, §3.2.11)
2. The proposed extension of the nonconforming front setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition will be set back further than the existing nonconforming setback of 0.9 feet. The site is also constrained by its location on a corner lot, and thus subject to two front setbacks. (§7.8.2.C.2)

PETITION NUMBER: #15-26

PETITIONER: Yevgenya Zislis

LOCATION: 355 Walnut Street, Ward 2, Newton, on land known as Section 24 Block 11 Lot 01, containing approximately 7,238 sq. ft. of land

OWNER: Yevgenya Zislis

ADDRESS OF OWNER: 355 Walnut St Unit B  
Newtonville, MA 02460

TO BE USED FOR: Two family dwelling

RELIEF GRANTED: Special Permit per §3.2.3, §3.2.11, §7.8.2.C.2 and §7.3.3 to alter/extend the nonconforming front setback and extend the nonconforming FAR

ZONING: Multi Residence 1

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. Site plan signed and stamped by Richard J. Mede Jr. , Professional Land Surveyor, dated 10/24/2025
  - b. Architectural plans prepared by Jarvis Drafting & Design, signed and stamped by John P. Stoppi Jr., Professional Engineer, titled "New Mudroom" dated 5/22/2025, consisting of the following sheet:
    - i. "Exterior Elevations," Sheet A1.4
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
  - b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.

3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with for the portion of the project for which occupancy is requested, and the Petitioner has:
  - a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1.
  - b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.