



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

PUBLIC HEARING MEMORANDUM

DATE: February 20, 2026

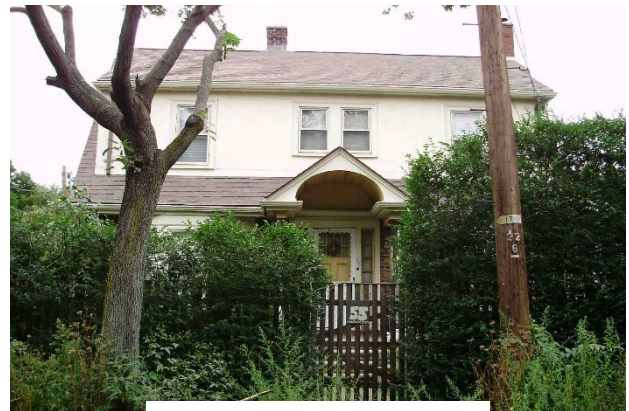
TO: City Council

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

SUBJECT: **Petition #92-26**, for SPECIAL PERMIT/SITE PLAN APPROVAL to raise the roof of the dwelling to accommodate living space within the attic level, vertically extending the nonconforming front setbacks.

Materials: <https://newtonma.portal.opengov.com/records/906217>

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.



55 Auburndale Avenue

Project Description

Current Use: Single-family dwelling
Zoning: Single-Residence 3 (SR3)
Lot size: 8,262 square feet, corner lot
Existing nonconformities:

- 19.9-foot front setback from Auburndale Avenue, where 25 feet is required
- 16.2-foot front setback from Harold Terrace, where 25 feet is required

Proposal

The petitioner proposes to raise the roof of the dwelling to accommodate living space within the attic level, vertically extending the nonconforming front setbacks, requiring a special permit. The dwelling is located on a corner lot, resulting in two front setback requirements. The dwelling has nonconforming setbacks of 19.9 feet from Auburndale Avenue and 16.2 feet from Harold Terrace, where 25 feet is required.

Analysis

The Planning Department notes that the proposed construction is entirely within the footprint of the existing building, and the relief required is limited only to the extension of existing nonconformities. Although the work is entirely within the existing building footprint, it does not qualify for by-right relief under the de minimis provisions of Section 7.8.2.B.2.h, as the construction adds 245 square feet within the front setbacks, exceeding the 75 square feet permitted by the ordinance. The work proposed vertically extends both nonconforming front setbacks, but it does not reduce any of the existing setbacks, and the resulting structure will comply with other applicable regulations including maximum height, floor area ratio, open space, and lot coverage. For these reasons, staff believe the work proposed will have minimal negative impact on abutters.

Zoning Relief Requested:

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

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	Request to vertically extend nonconforming front setbacks	S.P. per §7.3.3

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

- The proposed addition that vertically extends the nonconforming front setbacks is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.2.3 and §7.8.2.C.2)

Project Proposal and Site Characteristics

The property at 55 Auburndale Avenue is an 8,262 square foot lot in West Newton improved with a single-family dwelling constructed in 1929. The property is located on a corner lot, resulting in two front setback requirements. The dwelling has nonconforming setbacks of 19.9 feet from Auburndale Avenue and 16.2 feet from Harold Terrace, where 25 feet is required. The site is relatively flat overall, with a gentle slope towards the northern side lot line. The zoning of the property and adjacent lots is SR3. There is an MR1 district located across the street along Auburndale Avenue. Nearby properties primarily consist of single and two-family homes.

The petitioner proposes to raise the roof of the existing dwelling by 5.25 feet to accommodate living space at the attic level. The proposed work will vertically extend the nonconforming setbacks, requiring a special permit. Section 7.8.2.B.2.i of the Zoning Ordinance allows alterations and additions within the front setbacks of a nonconforming structure, provided the area added is less than 75 square feet. The proposed construction adds 245 square feet within the front setbacks, therefore, it does not qualify for de minimis relief.

The proposed addition will increase the FAR from 0.22 to 0.29, where 0.45 is the maximum allowed in the district. The height will increase from 29.1 feet to 34.1 feet, which remains below the 36-foot maximum, and the stories will increase from 2 to 2.5, where 2.5 are allowed by right. There will be no change to lot coverage or open space.

Interdepartmental Review

- **Newton Historic Commission:** On September 30, 2025, the Newton Historic Commission found the property at 55 Auburndale Avenue to be preferably preserved and voted to waive the demolition delay and approve the plans as drawn (Attachment B).

Petitioner's Responsibilities

The petition is considered complete.

ATTACHMENTS:

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



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: December 16, 2025

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: John and Anna Murnane, Applicants
Mark Lewis, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to vertically extend nonconforming front setbacks

Applicant: John and Anna Murnane	
Site: 55 Auburndale Avenue	SBL: 44017 0088
Zoning: SR3	Lot Area: 8,262 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 55 Auburndale Avenue consists of an 8,262 square foot corner lot improved with a single-family dwelling constructed in 1929. The petitioners propose to raise the roof of the dwelling to accommodate living space within the attic level, vertically extending the nonconforming front setbacks, requiring a special permit.

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

- Zoning Review Application, prepared by Mark Lewis, submitted 11/12/2025
- Proposed Third Floor Addition, prepared by Mark Lewis, architect, dated 8/6/2025
- Proposed Third Floor Plan, prepared by Mark Lewis, architect, dated 8/21/2025
- FAR calculations, signed and stamped by Richard M. Alexy, architect, submitted 11/12/2025
- Existing Floor Plans and Elevations, prepared by Mark Lewis, architect, dated 8/6/2025
- Proposed Plot Plan (showing existing conditions), prepared by Rober Survey, dated 9/11/2025
- Proposed Plot Plan, signed and stamped by Scott C. Lynch, surveyor, dated 9/11/2025

ADMINISTRATIVE DETERMINATIONS:

1. The property is located at the corner of Auburndale Avenue and Harold Terrace, resulting in two front setback requirements for the dwelling. The dwelling has nonconforming setbacks of 19.9 feet from Auburndale Avenue and 16.2 feet from Harold Terrace, where 25 feet is required per section 3.1.3. The petitioner proposes to raise the roofline of the existing attic by 5.25 feet, allowing for habitable space. The proposed work vertically extends the nonconforming front setbacks, requiring a special permit per section 7.8.2.C.2.

While the proposed work is entirely within the existing footprint, it is not eligible for the by right relief afforded by the de minimis provisions of section 7.8.2.B.2.h as the construction adds 245 square feet within the front setbacks, exceeding the 75 square feet allowed by the ordinance per section 7.8.2.B.2.i.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	8,262 square feet	No change
Frontage	70 feet	92 feet	No change
Setbacks <ul style="list-style-type: none"> • Front (Auburndale Ave) • Front (Harold Terrace) • Side • Rear 	25 feet 25 feet 7.5 feet 15 feet	19.9 feet 16.2 feet 35.4 feet 36 feet	No change* No change* No change No change
Height	36 feet	29.1	34.1 feet
Stories	2.5	2	2.5
FAR	.45	.22	.29
Max Lot Coverage	30%	12.3%	No change
Min. Open Space	50%	79%	No change

BOLD indicates a nonconformity
 *Relief required

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 vertically extend nonconforming front setbacks	S.P. per §7.3.3



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

RECORD OF ACTION

DATE: October 1, 2025

SUBJECT: 55 AUBURNDALE AVE

At a scheduled meeting and public hearing on September 30, 2025, the Newton Historical Commission, by vote of 5-0 RESOLVED to:

find the property preferably preserved.

<u>Voting in the Affirmative:</u>	<u>Voting in the Negative:</u>	<u>Abstained:</u>	<u>Recused:</u>
Mark Armstrong Nancy Grissom Anne Marie Stein Travis Salters, Alternate Doug Cornelius, Chair			

At a scheduled meeting and public hearing on September 30, 2025, the Newton Historical Commission, by vote of 5-0 RESOLVED to:

waive the demolition delay and approve the plans as drawn.

<u>Voting in the Affirmative:</u>	<u>Voting in the Negative:</u>	<u>Abstained:</u>	<u>Recused:</u>
Mark Armstrong Anne Marie Stein Nancy Grissom Travis Salters, Alternate Doug Cornelius, Chair			

Title Reference:

Owner of Property: John & Anna Murnane
Deed recorded at: Middlesex County Registry of Deeds
Book/Page
Date

David Lewis, Chief Preservation Planner

Kimberly Crocker, Senior Preservation Planner

#92-26
55 Auburndale Avenue

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 raise the roof of the dwelling to accommodate living space within the attic level, vertically extending the nonconforming front setbacks for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed addition that vertically extends the nonconforming front setbacks is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the project adheres to other applicable dimensional regulations such as Floor Area Ratio and height, and the addition which extends the nonconformities is within the footprint of the existing dwelling. (§7.8.2.C.2)

PETITION NUMBER: #92-26

PETITIONER: John and Anna Murnane

LOCATION: 55 Auburndale Avenue, Ward 3, West Newton, on land known as Section 44 Block 17 Lot 88, containing approximately 8,262 sq. ft. of land

OWNER: John and Anna Murnane

ADDRESS OF OWNER: 55 Auburndale Avenue
Newton, MA 02465

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per § 7.3.3, § 3.1.3, § 3.1.9, and § 7.8.2.C.2 to vertically extend the nonconforming front setbacks

ZONING: Single Residence 3 (SR3)

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 titled Proposed Site Plan prepared by Mark S. Lewis and signed and stamped by Peter Arcciotti, Registered Architect, dated January 16, 2026.
 - b. Architectural Plans, prepared by Mark S. Lewis and signed and stamped by Peter Bracciotti, Registered Architect, dated January 15, 2026, consisting of the following sheets:
 - i. "Proposed Elevations", Sheet A2, showing side, front, and rear elevations
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 City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or professional engineer certifying compliance with Condition #1, including the as-built FAR.
 - b. Submitted final as-built plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.