



Petition: #93-26  
Public Hearing: 2/24/26

**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: February 20, 2026

TO: City Council

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

SUBJECT: **Petition #93-26** for SPECIAL PERMIT/SITE PLAN APPROVAL to further exceed nonconforming FAR at 1445 Commonwealth Avenue, West Newton

PROJECT

MATERIALS: <https://newtonma.portal.opengov.com/records/906865>

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.



**1445 Commonwealth Avenue**

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## Project Description

**Current Use:** Single family residential constructed circa 1920

**Zoning:** Single-Residence 1 (SR1)

**Lot size:** 23,893 square feet corner lot (minimum of 15,000 square feet required)

**Existing nonconformities:**

- 11-foot side setback from abutter along the north lot line, where 12.5 feet is required
- Floor Area Ratio (FAR) of .32 where up to .26 is allowed by right
- 2.8-foot side setback for an existing nonconforming accessory structure (shed) along the southeast side lot line where a minimum of 5 feet is required

## Proposal

The petitioner seeks to construct a one-story addition to the front and a two-story addition at the rear of the existing dwelling increasing the nonconforming FAR from .32 to .35, where .26 is the maximum allowed as of right, requiring relief.

## Summary Analysis

The Planning Department notes the proposed additions that would further extend the nonconforming FAR will not substantially alter the existing footprint of the dwelling and do not require special permit relief for the extension of the nonconforming side setback. The requested FAR relief adds a total of 683 square feet, spread across a one-story mudroom enclosure between the primary dwelling and attached garage and a two-story addition at the rear of the garage which is not readily visible from Commonwealth Avenue or Dartmouth Street. Though the nonconforming FAR will increase from .32 to 0.35, it is a modest increase to the existing dwelling on a lot that is much bigger than what is required in the Zoning Ordinance and will allow for an enclosed connection to the primary dwelling and expanded space on the second floor of the garage with the addition of shed dormer. For these reasons, the creation of the new mudroom and rear addition to the garage is unlikely to have a significant negative impact on abutters or the neighborhood compared to the scale and footprint of the existing structure.

## Zoning Relief Requested

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3

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

**Criteria for Consideration per §3.1.3, 3.1.9, and §7.8.2.C.2:**

- The proposed addition that further exceeds the nonconforming FAR is consistent with, and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, §3.1.9)
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§7.8.2.C.2)

**Existing Site Characteristics**

1445 Commonwealth Avenue consists of a 23,893 square foot corner lot (where 15,000 square feet are required) at the intersection of Commonwealth Avenue and Dartmouth Street. The lot is improved with a 2.5 story single-family dwelling and attached garage constructed in 1920. The existing dwelling has a northern left side setback of 11 feet where a minimum of 12.5 feet is required. The existing FAR is also nonconforming at 0.32 where up to 0.26 is allowed by right. The lot is located in West Newton in an area that is primarily zoned Single-Residence 1. The surrounding neighborhood consists primarily of similarly-sized lots improved with larger single-family dwellings. The topography of the lot is largely level, with an overall grade change across the site of approximately four feet.

**Analysis**

The petitioner proposes a one-story mudroom addition to the front of the dwelling, to enclose the existing connection between the dwelling and garage. This addition does not encroach further into the existing front setback than the rest of the structure, and is subordinate to the existing height of the dwelling which is 2.5 stories and the 1.5 story attached garage.

Along with the mudroom, the petitioner proposes to add a two-story addition to the rear of the attached garage. The rear addition includes a first floor expansion off the rear of the garage and a shed dormer above to be added to the roof of the existing garage, expanding the height of the existing roofline and the square footage of the second level resulting in a second story. The extension of the proposed rear addition roofline, however, does not exceed the existing attached garage height of 19.9 feet, minimizing any visibility of the rear addition from the street. The addition further extends the 11-foot nonconforming side setback where 12.5 is the minimum required proposing an 11.5 foot side setback extension of 10 feet towards the rear of the property. Typically, an extension of the nonconforming side setback would trigger special permit relief, however, due to the fact that the proposed addition is less than 200 square feet within the nonconforming side setback, is more than five feet from the side lot line and is more than 25 feet from the abutting dwelling, the extension is allowed by right through the de minimis provisions of section 7.8.2.

Combined, both additions will result in a total increase of 683 gross square feet to the existing dwelling, increasing the nonconforming FAR to .35 from the existing .32, where .26 is the maximum allowed as of right, requiring relief. The proposed increase to impervious area is 339 square feet. Aside from the requested FAR relief, the proposed additions to the home are compliant with all other aspects of zoning, including open space, lot coverage, front, rear, and right (southeast lot line) side setbacks, stories, height, lot size and frontage.

**ATTACHMENTS:**

**Attachment A:** Zoning Review Memorandum, dated December 16, 2025  
**Attachment B:** 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: Adam and Rossanna Hennessey, Applicants  
Daniel Theodhori, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to further increase nonconforming FAR**

Applicant: Adam & Rossanna Hennessey	
<b>Site:</b> 1445 Commonwealth Avenue	<b>SBL:</b> 32033 0009
<b>Zoning:</b> SR1	<b>Lot Area:</b> 23,893 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 1445 Commonwealth Avenue consists of a 23,893 square foot corner lot improved with a single-family dwelling constructed circa 1920. The petitioners propose to construct additions to the front and rear of the dwelling which further increase the nonconforming 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 Laurance Lee, attorney, submitted 11/13/2025
- Existing Conditions Site Plan, signed and stamped by John R Hamel, surveyor, dated 3/8/2025
- Proposed Conditions Site Plan, signed and stamped by John R Hamel, surveyor, dated 10/22/2025
- Floor Plans and Elevations, signed and stamped by Michael Bernard Rocino, architect, dated 4/11/2025 revised, 10/8/2025, 11/4/2025
- Existing FAR calculations, signed and stamped by Michael Bernard Rocino, architect, submitted 5/1/2025
- Proposed FAR calculations, signed and stamped by Michael Bernard Rocino, architect, submitted 5/1/2025

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner proposes to construct a one-story mudroom addition connection to the existing attached garage, replacing the existing connection. A two-story addition is proposed at the rear of the garage as well. The proposed construction increases the existing nonconforming FAR from .32 to .35 where the maximum allowed per sections 3.1.3 and 3.1.9 is .26. A special permit is required to further increase the nonconforming FAR per section 7.8.2.C.2.
2. The attached garage has an existing nonconforming side setback of 11 feet, where 12.5 feet is required per section 3.1.3. The petitioner proposes to construct a rear addition to the garage, extending the nonconforming side setback towards the rear of the property by 10 feet. As the proposed addition is less than 200 square feet within the setback, is more than 5 feet from the side lot line and is more than 25 feet from the abutting dwelling (the sum of the required setbacks), it is allowed by right through the de minimis provisions of section 7.8.2.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	23,893 square feet	No change
Frontage	100 feet	238.6 feet	No change
Setbacks			
• Front (Commonwealth Av)	25 feet	59 feet	No change
• Front (Dartmouth St)	25 feet	58.8 feet	No change
• Side	12.5 feet	<b>11 feet</b>	<b>No change</b>
• Rear	25 feet	62 feet	No change
Height	36 feet	28.5 feet	No change
Stories	2.5	2.5	No change
FAR	.26	<b>.32</b>	<b>.35*</b>
Max Lot Coverage	20%	14.4%	16.6%
Min. Open Space	65%	78.9%	77.6%

**BOLD** indicates a nonconformity

\*Relief required

3. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3

#93-26  
1445 Commonwealth 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 allow an addition that will further exceed the maximum Floor Area Ratio (FAR) 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 additions that will result in an FAR of 0.35 where 0.26 is the maximum allowed as of right and is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as the additions are subordinate in height and scale to what is existing. (§3.1.3, §3.1.9)
2. The proposed additions that will further extend the nonconforming FAR to .35 are not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the additions do not substantially alter the existing footprint of the dwelling, are unobtrusive, and are located on a large lot. (§7.8.2.C.2)

PETITION NUMBER: #93-26

PETITIONER: Michael and Rossanna Hennessey

LOCATION: 1445 Commonwealth Avenue, Ward 3, Newton, on land known as Section 32 Block 33 Lot 09, containing approximately 23,893 sq. ft. of land

OWNER: Michael and Rossanna Hennessey

ADDRESS OF OWNER: 1445 Commonwealth Avenue  
Newton, MA 02465

TO BE USED FOR: Single-Family Residential

RELIEF GRANTED: Special Permit per §3.1.3, §3.1.9, §7.8.2.C.2 to further exceed the nonconforming FAR to .35 where .26 is the maximum allowed as of right

ZONING: Single 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 titled, "Proposed Conditions Site Plan 1445 Commonwealth Avenue Newton Massachusetts" prepared by Snelling & Hamel Associates, Inc, signed and stamped by John R. Hamel, Professional Land Surveyor, dated October 22, 2025 and revised January 7, 2026.
  - b. Architectural plans titled, "Hennessey Residence" prepared by EMBR Architects LLC, signed and stamped by Michael Bernard Rocino, Registered Architect, dated 4/11/2025 and revised through 11/04/2025, consisting of the following sheets:
    - i. "North (Left Side) and East (Rear Side) Elevations," Sheet AE201
    - ii. "South (Right Side) and West (Front Side) Elevations," Sheet AE202
    - iii. "North (Left Side) Garage Elevation," AE203
    - iv. "South (Right Side) and East (Rear) House Elevations," AE204
    - v. "North (Left Side) House Elevation," AE205
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, including the As-Built FAR.
  - b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.