



Petition: #119-26
Public Hearing: 3/24/26

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

PUBLIC HEARING MEMORANDUM

DATE: March 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 #119-26**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an oversized dormer which extends the nonconforming 3.5 story building and Floor Area Ratio.

Materials: <https://newtonma.portal.opengov.com/records/910324>

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.



25-27 Lewis Street

Project Description

Current Use: Two-family dwelling

Zoning: Multi-Residence 1 (MR1)

Lot size: 4,763 square feet

Existing nonconformities:

- Existing dwelling is 3.5 stories, where 2.5 stories are allowed by right
- Floor Area Ratio of .69, where .58 is the maximum allowed
- 24.8-foot front setback, where 25 feet is required
- 13.1-foot rear setback, where 15 feet is required
- Frontage of 49.9 feet, where 70 feet is the minimum requirement
- Lot size of 4,763 sq ft, where 7,000 sq ft is the minimum requirement
- Lot area per unit of 2,382 sq ft, where 3,500 sq ft is the minimum requirement

Proposal

The petitioner proposes to construct an oversized dormer on an existing two-family home. The dormer would create habitable space in the attic level with the minimum ceiling height required to meet building code. The proposed dormer would extend the existing nonconforming 3.5 story building and further increase nonconforming Floor Area Ratio.

Analysis

The Planning Department finds that the proposed construction is unlikely to have a substantial negative impact on abutters. The work proposed is entirely within the footprint of the existing building and it does not increase the height of the dwelling or reduce existing setbacks.

The Planning Department notes that the proposed FAR of .85 notably exceeds the maximum permitted .58 in the Multi-Residence 1 district. The FAR calculation is impacted by the lot size and the inclusion of the basement level. The existing dwelling presents as 2.5 stories, however, the midpoint of the basement is higher than the average grade which results in a 3.5 story structure. As such, the basement is considered the first story and is included in the FAR calculation, despite the building's 2.5-story appearance. In addition, the subject lot is one of the smallest on Lewis Street, further contributing to the elevated FAR.

The proposed dormer extends across a significant portion of the side façade of the dwelling. A similar oversized dormer exists on the abutting property, and the proposed design is consistent with the existing neighborhood context.

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>
§1.5.4.G.2.b	Request to allow an oversized dormer	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	Request to alter/extend a nonconforming 3.5 story building	S.P. per §7.3.3
§3.2.3 §3.2.11 §7.8.2.C.2	Request to extend nonconforming FAR	S.P. per §7.3.3

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

- The site is an appropriate location for the proposed oversized dormer which extends the nonconforming 3.5 story building and FAR. (§7.3.3.C.1)
- The proposed oversized dormer as designed will not adversely affect the neighborhood. (§7.3.3.C.2)
- There will not be a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the sites over streets is appropriate for the types and number of vehicles involved. (§7.3.3.C.4)
- The proposed dormer that extends the nonconforming FAR 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 25-27 Lewis Street is a 4,763 square foot lot improved with a two-family dwelling constructed in 1928. The subject parcel is located within a Multi-Residence 1 district, with a Single-Residence 2 district located across Lewis Street. The property abuts the Cabot Park outdoor recreation area. The surrounding neighborhood is primarily composed of single and multi-family dwellings.

The site has several existing nonconformities, including lot size, lot area per unit, front and rear setbacks, Floor Area Ratio, frontage, and total stories. With the exception of FAR and stories, these existing nonconformities will not be altered by the proposed construction.

The petitioner proposes to construct an oversized dormer on an existing two-family home. The dormer will create habitable space in the attic level with the minimum ceiling height required

to meet building code. According to Section 1.5.4.G.2.b, a dormer may not exceed 50% of the width of the widest uninterrupted roof plane, excluding overhangs. The proposed dormer measures 39.1 feet in width, which is 92.4% of the 42.3-foot-wide roof plane, and therefore requires special permit relief. The proposed dormer will add 742 square feet of FAR, which increases the nonconforming FAR from .69 to .85, where .58 is the maximum allowed.

In addition, the proposal requires relief to alter a nonconforming 3.5 story building. The existing building is considered 3.5 stories because the midpoint of the basement is higher than the average grade. A half story is defined as a story directly under a sloping roof where the area with a ceiling height of 7 feet or greater is less than 2/3 of the area of the story directly below. The proposed dormer expands the existing half story from 123 square feet to 398 square feet of space with a ceiling height of at least 7 feet. While the attic will remain a half story, altering the existing nonconformity requires special permit relief per Section 7.8.2.C.2.

Interdepartmental Review

There is no interdepartmental review required for this project.

Petitioner's Responsibilities

The petition is considered complete.

ATTACHMENTS:

Attachment A: Zoning Review Memorandum
Attachment B: DRAFT Council Order



Marc C. Laredo
Mayor

City of Newton
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459
(617) 796-1120 | newtonma.gov/planning

Katie Whewell
Acting Director

ZONING REVIEW MEMORANDUM

Date: January 29, 2026

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: William Schwieterman, Applicant
Maria Baudler, Rosemont Design LLC
Katie Whewell, Acting Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request for a special permit to allow an oversized dormer extending a nonconforming 3.5 story structure and FAR

Applicant: William Schwieterman	
Site: 25-27 Lewis Street	SBL: 13002 0008
Zoning: MR1	Lot Area: 4,772 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The subject site is comprised of 4,772 square feet in the MR1 zoning district and is improved with a two-family dwelling constructed in 1928. The petitioner seeks to construct an oversized dormer which extends the nonconforming 3.5 story building 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 Maria Baudler, Rosemont Design LLC, dated 12/15/2025
- Existing Conditions Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 2/21/2025
- Plot Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 1/26/2026
- Floor Plans and Elevations, signed and stamped by David A. Giuliano, architect, dated 12/15/2025
- FAR Worksheet, signed and stamped by David A. Giuliano, architect, submitted 12/16/2025

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner seeks to create habitable space in the attic level with the minimum height required to meet building code by constructing a dormer. The proposed dormer is 39.1 feet wide, or 92.4% of the 42.3 foot wide roof. Per section 1.5.4.G.2.b, a dormer may be no wider than 50% of the widest length of the uninterrupted roof plane excluding overhangs. To allow a dormer width of 92.4% requires a special permit.

2. The midpoint of the basement is higher than the average grade, resulting in a 3.5 story structure, where 2.5 stories are allowed by right and three stories are allowed by special permit per section 3.2.3. A half story is directly under a sloping roof where the area with a ceiling height of at least 7 feet or greater is less than 2/3 of the area of the story directly below. The proposed addition expands the half story from the existing 123 square feet with a minimum of 7 feet in height to 398 square feet, maintaining the half story, but extending the existing nonconformity, requiring a special permit per section 7.8.2.C.2.

3. Floor Area Ratio (FAR) is a measurement of the ratio of the bulk of the building(s) on a lot relative to the square footage of the lot. Where the basement is considered the first story due to the average grade, its square footage counts in its entirety towards FAR. The proposed dormer adds 742 square feet of FAR, as it captures the square footage with at least 5 feet in height in the half story, increasing the nonconforming FAR from .69 to .85 where .58 is the maximum allowed. A special permit per section 3.2.3, 3.2.11 and 7.8.2.C.2 is required.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	4,763 square feet	No change
Frontage	70 feet	49.9 feet	No change
Setbacks			
• Front	25 feet	24.8 feet	No change
• Side	7.5 feet	11.3 feet	No change
• Side	7.5 feet	12.9 feet	No change
• Rear	15 feet	13.1 feet	No change
Stories	2.5	3.5	No change*
Height	36 feet	32.6 feet	No change
FAR	.58	.69	.85*
Lot Area Per Unit	3,500 square feet	2,382 square feet	No change
Max Lot Coverage	30%	Not provided	No change
Min. Open Space	50%	Not provided	No change

BOLD indicates a nonconformity

*Relief required

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
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§3.2.3 §7.8.2.C.2	Request to alter/extend a nonconforming 3.5 story building	S.P. per §7.3.3
§3.2.3 §3.2.11 §7.8.2.C.2	Request to extend nonconforming FAR	S.P. per §7.3.3

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 oversized dormer extending a nonconforming 3.5 story structure and Floor Area Ratio as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

FINDINGS:

1. The specific site is an appropriate location for the oversized dormer which extends the nonconforming 3.5 story building and FAR because the work proposed is within the footprint of the existing building. (§7.3.3.C.1)
2. The oversized dormer as designed will not adversely affect the neighborhood because the proposed project allows for new livable space without increasing the height of the dwelling or reducing the existing setbacks. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians as the proposed dormer will not require any changes to parking or circulation on or around the site. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as no changes are proposed which impact pedestrian or vehicular access. (§7.3.3.C.4)
5. The proposed dormer that extends the nonconforming FAR from .69 to .85, where .58 is allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as there are comparably sized buildings nearby that are also located on smaller lots. (§7.8.2.C.2)

PETITION NUMBER: #119-26

PETITIONER: William Schwieterman

LOCATION: 25-27 Lewis Street, Ward 1, Newton, on land known as Section 13 Block 2 Lot 08, 4,763 sq. ft. of land

OWNER: William Schwieterman

ADDRESS OF OWNER: 27 Lewis Street
Newton, MA 02458

TO BE USED FOR: To allow an oversized dormer extending a nonconforming 3.5 story structure and FAR

RELIEF GRANTED: Special Permit per §7.3.3:

- to allow an oversized dormer (§1.5.4.G.2.b)
- to alter/extend a nonconforming 3.5 story building setbacks (§3.2.3, §7.8.2.C.2)
- to extend nonconforming FAR (§3.2.3 §3.2.11 §7.8.2.C.2)

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. A site plan titled, "Plot Plan" prepared by Spruhan Engineering, P.C., signed and stamped by Christopher C. Charlton, Professional Land Surveyor, dated 2/3/2026.
 - b. A set of architectural drawings titled "11 Parsons Residences" prepared by Rosemont Design, signed and stamped by David A. Giuliano, Registered Architect, dated 12/15/2025 consisting of the following sheets:
 - i. "Exterior Elevations – Front / East Elevation", Sheet EX-201
 - ii. "Exterior Elevations – Side / South Elevation", Sheet EX-202
 - iii. "Exterior Elevations – Rear / West Elevation", Sheet EX-203
 - iv. "Exterior Elevations – Side / North Elevation", Sheet EX-204
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.