



Marc C. Laredo  
Mayor

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

Petition: #165-26  
Public Hearing: 5/12/26

Katie Whewell  
Acting Director

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**PUBLIC HEARING MEMORANDUM**

DATE: May 8, 2026

TO: City Council

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

SUBJECT: **Petition #165-26**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached garage in the space currently occupied by a portion of the basement under an existing deck, further extending the nonconforming Floor Area Ratio (FAR)

Materials: <https://newtonma.portal.opengov.com/records/920631>

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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.



**104 Eldredge Street**

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I. Project Description

**Current Use:** Single-family dwelling

**Zoning:** Single Residence 2 (SR-2)

**Lot size:** 10,417 square feet

**Existing nonconformities:**

- Floor Area Ratio (FAR) of .56, where .38 is the maximum allowed
- 3 stories, where 2.5 stories are the maximum allowed
- 37.4 feet, where 36 feet is the maximum allowed
- 23.1% lot coverage, where 15% is the maximum allowed
- 58.6% open space, where 70% is the minimum required

**Proposal:** The petitioner proposes to construct an attached three-bay garage to the existing dwelling. The proposed garage will replace the storage area underneath the existing deck and a portion of the basement. The existing dwelling includes a first-story deck with unenclosed storage below, which does not currently count toward Floor Area Ratio (FAR), while portions of the basement do. The proposal will enclose the area beneath the deck and incorporate a portion of the basement to create the attached garage, which counts towards the FAR under the Zoning Ordinance. As a result, the project will increase the existing nonconforming FAR from 0.56 to 0.60 where 0.38 is permitted, requiring a special permit.

**Analysis:** The Planning Department finds that the site is an appropriate location for the attached garage which exceeds FAR. The work proposed does not change any of the existing setbacks or the existing nonconforming height, stories, lot coverage, and open space. Although the existing nonconforming FAR will increase, the proposed garage is within the footprint of the existing building. Overall, the dwelling with a proposed attached garage which extends nonconforming FAR is unlikely to have a negative impact on the neighborhood.

II. Zoning Relief Requested:

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

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

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

- The proposed addition which 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)

IV. Project Proposal and Site Characteristics

The property at 104 Eldredge Street is a 10,417 square foot lot which is improved with a single-family dwelling constructed circa 1875. The property is zoned Single-Residence 2 and abuts a Multi-Residence 1 district. The neighborhood is residential in character, and the surrounding properties consist primarily of single-family, two-family, and multi-family homes. The site is generally flat, with a slight decline from the southern portion of the site to the north.

The petitioner proposes to construct an attached garage to the existing dwelling. The proposed garage will replace the storage area underneath the existing deck and a portion of the basement. The garage will be accessed via the existing curb cut and driveway. A retaining wall measuring less than 4 feet in height will be constructed along the side of the driveway.

The proposed construction increases the nonconforming FAR from .56 to .60, where .38 is the maximum allowed, requiring a special permit. As stated in the Zoning Review Memorandum, per Section 1.5.5.B.1.vii, only massing directly below the first story is counted toward FAR. As currently configured, portions of the basement count toward FAR, however, the enclosed space beneath the existing deck does not, as it is not located beneath habitable first-story space. Per Section 1.5.5.B.1.v, attached garages are included in FAR calculations. The petitioner proposes to enclose the space beneath the existing deck to create an attached garage, therefore, the proposed construction counts toward FAR.

The existing setbacks are in compliance with the zoning requirements and will not be affected by the proposed construction. The height (37.4 feet), stories (3), lot coverage (23.1%), and open space (58.6%) are considered existing nonconformities, however, they should not be affected by the proposed construction and therefore do not require special permit relief.

V. Interdepartmental Review

- **Historical Commission:** On April 7, 2026, the Newton Historical Commission staff administratively reviewed the proposal and approved the demolition of the wall of the existing deck.

VI. 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



City of Newton

Department of Planning & Community Development

Attachment A

Marc C. Laredo Mayor

1000 Commonwealth Avenue, Newton, Massachusetts 02459 (617) 796-1120 | newtonma.gov/planning

Katie Whewell Acting Director

ZONING REVIEW MEMORANDUM

Date: March 26, 2026
To: Anthony Ciccariello, Commissioner of Inspectional Services
From: Jane Santosuosso, Chief Zoning Code Official
Cat Kemmett, Acting Chief Planner for Current Planning
Cc: Mike and Debra Chen, Applicants
David Clymens, Architect
Katie Whewell, Acting Director of Planning and Development
Jonah Temple, Deputy City Solicitor
RE: Request to further extend nonconforming FAR

Table with 2 columns and 3 rows: Applicant: Mike & Debra Chen; Site: 104 Eldredge Street, SBL: 72008 0012; Zoning: SR2, Lot Area: 10,426 square feet; Current use: Single-family dwelling, Proposed use: No change

BACKGROUND:

The property at 104 Eldredge Street consists of a 10,426 square foot lot improved with a single-family dwelling constructed circa 1875. The petitioners propose to construct an attached garage in the space currently occupied by a portion of the basement and under an existing deck, further extending the existing 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 David Clymens, architect, submitted 1/16/2026
• Topographic Plan, signed and stamped by Michael A. Pustizzi, surveyor, dated 9/27/2019, submitted 3/2/2026
• Topographic Plan (showing proposed conditions), signed and stamped by Michael A. Pustizzi, surveyor, dated 9/27/2019, submitted 3/2/2026
• New Basement and Garage Plan, signed and stamped by Mario Henri Chakkour, architect, dated 4/20/2025
• FAR calculations, signed and stamped by Mario Henri Chakkour, architect, submitted 2/26/2026

**ADMINISTRATIVE DETERMINATIONS:**

1. Floor Area Ratio (FAR) is a measurement of the bulk of buildings on a lot relative to the size of the lot. As the square footage of the building(s) on a lot increases, so does the FAR.

The petitioner seeks to enclose space under an existing deck, and to take some space from the existing basement to create a three-bay garage. The dwelling currently has a first story deck with storage space below. The storage area connects with the garage. Per section 1.5.5.B.1.vii only the massing *below* the first story counts toward FAR. As such, as it exists, portions of the basement space count toward FAR, however none of the enclosed space below the deck does, as it is not *below* any of the habitable space of the first story. The petitioner intends to enclose the space below the deck to create an attached garage. Per section 1.5.5.B.1.v, attached garages do count toward FAR, so the new construction does count toward FAR. The proposed construction increases the nonconforming FAR from .56 to .60 where .38 is the maximum allowed, requiring a special permit per sections 3.1.3, 3.1.9 and 7.8.2.C.2.

2. As it exists, the space under the deck does not count toward lot coverage, as it is not covered by a roof. Once the space is converted to a garage with a roof, it will. However, per section 1.5.2.D.2, the lot coverage requirement does not apply to the construction of a private garage in connection with a building which was in existence on December 27, 1922 and used as a single-family dwelling. As the dwelling was constructed circa 1875, the lot coverage does not change with the construction of the proposed garage.

The existing deck is figured into the open space calculation. As such, the reconfiguration of the space for use as a garage does not change that figure.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	10,426 square feet	No change
Frontage	80 feet	105 feet	No change
Setbacks-Principal			
• Front	25 feet	27.7 feet	No change
• Side	7.5 feet	20.6 feet	No change
• Side	7.5 feet	29.7 feet	No change
• Rear	15 feet	16 feet	No change
Height	36 feet	<b>37.4 feet</b>	<b>No change</b>
Stories	2.5	<b>3</b>	<b>No change</b>
FAR	.38	<b>.56</b>	<b>.60*</b>
Max Lot Coverage	15%	<b>23.1%</b>	<b>No change</b>
Min. Open Space	70%	<b>58.6%</b>	<b>No change</b>

**BOLD** indicates a nonconformity

\*Relief required

1. See "Zoning Relief Summary" below:

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



# City of Newton, Massachusetts

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## Attachment B

Marc C. Laredo  
Mayor

Katie Whewell  
Acting Director

### Newton Historical Commission Demolition Review Decision

**Date:** April 7, 2026      **Application #** HRA-26-76

**Address of structure:** 104 ELDRIDGE ST

**Type of building:** Other - EXISTING DECK  
If partial demolition, feature to be demolished is WALL

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:  
MIKE CHEN

**Conditions:**

Determination made by:

*David Lewis*

David Lewis, Chief Preservation Planner

Kimberly Crocker, Senior Preservation Planner



Preserving the Past

Planning for the Future

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 construct an attached garage 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 attached garage that will result in an FAR of 0.60 where 0.38 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 addition is within the footprint of the existing building. (§3.1.3, §3.1.9)
2. The proposed attached garage that will further extend the nonconforming FAR to .60 is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed construction will not alter the existing nonconforming height, stories, lot coverage, and lot area and the existing compliant setbacks. (§7.8.2.C.2)

PETITION NUMBER: #165-26

PETITIONER: Mike Chen

LOCATION: 104 Eldredge Street, Ward 7, Newton, on land known as Section 72 Block 8 Lot 12, containing approximately 10,417 sq. ft. of land

OWNER: Mike Chen

ADDRESS OF OWNER: 104 Eldredge Street  
Newton, MA 02458

TO BE USED FOR: Construction of an attached garage, which extends the nonconforming FAR

RELIEF GRANTED: Special Permit per §3.1.3, §3.1.9, §7.8.2.C.2 to further exceed the nonconforming FAR to .60 where .38 is the maximum allowed as of right

ZONING: Single-Residence 2

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, "104 Eldredge Street Plot Plan" prepared by Precision Land Surveying, Inc, signed and stamped by Michael A. Pustizzi, Professional Land Surveyor, dated September 27, 2019, and revised March 2, 2026.
  - b. Architectural plans titled, "The Chen Residence" prepared by Studio Twenty Six, signed and stamped by Mario Henri Chakkour, Registered Architect, dated 4/20/2022, consisting of the following sheets:
    - i. "New Driveway Side Elevation," Sheet A2
    - ii. "Building Section," Sheet S3
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.