



Marc C. Laredo
Mayor

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

Petition: #166-26
Public Hearing: 5/12/26

Katie Whewell
Acting Director

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 #166-26**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached two-car garage and rear addition to the dwelling, exceeding the maximum Floor Area Ratio (FAR) and façade ratio.

Materials: <https://newtonma.portal.opengov.com/records/919556>

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.



19 Saxon Road

I. Project Description

Current Use: Single-family dwelling

Zoning: Single Residence 2 (SR-2)

Lot size: 13,608 square feet

Proposal: The petitioner proposes to construct a detached garage and a rear addition including basement and first floor living space. The proposed construction increases the Floor Area Ratio (FAR) from .33 to .41 where .34 is the maximum allowed, requiring a special permit. In addition, the proposed addition increases the residential façade ratio from 54% to 65% where 60% is the maximum allowed, requiring a special permit. The existing dwelling presents as 2.5 stories from the street, however, the midpoint of the basement is slightly higher than the average grade, rendering the basement as the first story and resulting in a 3.5 story structure. The proposed rear addition presents as an addition to the perceived basement (first story) and first floor (second floor). Therefore, the proposed addition is considered two stories and contributes to FAR and residential façade ratio.

Analysis: The Planning Department finds that the site is an appropriate location for the detached garage and rear addition which exceeds FAR and façade ratio. The additional massing is divided between two buildings and the proposed construction complies with lot area, lot coverage, height, and open space. The side and rear setbacks will be slightly reduced but remain in compliance with the zoning requirements. The existing nonconforming front setback will not be affected by the proposed rear addition and detached garage. Although the FAR will increase from .33 to .41, it can be attributed to the basement counting as the first story, thus counting towards the FAR. The total number of stories remains unchanged and the height of the principal dwelling will increase from 33.7 feet to 34.2 feet, below the 36 feet allowed. Overall, the proposed dwelling does not appear out of context with the scale and massing of the abutting homes in the neighborhood and as such the FAR and façade ratio 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**.

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3		
§3.1.9	Request to exceed FAR	S.P. per §7.3.3
§1.5.7		
§3.1.3	Request to exceed façade ratio	S.P. per §7.3.3

III. Criteria for Consideration per §7.3.3.:

- The proposed addition and detached garage, which exceed the Floor Area Ratio and façade ratio, are not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.1.3, §3.1.9, §1.5.7)
- The site is an appropriate location for the addition and detached garage which exceeds FAR and façade ratio. (§7.3.3.C.1)
- The proposed addition and detached garage which the FAR and façade ratio as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

IV. Project Proposal and Site Characteristics

The property at 19 Saxon Road is a 13,608 square foot lot in Newton Highlands which is improved with a single-family dwelling constructed in 1912. The property and surrounding lots are zoned Single-Residence 2, with a Multi-Residence 1 zoning district located to the north. The neighborhood is residential in character, and the surrounding properties consist primarily of two and two-and-a-half-story single-family homes. The site contains an existing shed in the rear yard and several retaining walls measuring less than four feet in height. There are thirteen existing trees with diameters greater than six inches on the site, none of which will be impacted by the proposed construction. The site slopes downward from the front of the site to the rear and no grading work is proposed for this project.

The petitioner proposes to construct a detached garage and a rear addition, including basement and first floor living space. As part of the proposed work, the existing driveway will be expanded, leading to the proposed detached garage. The driveway will be accessed via the existing 15 foot wide curb cut. A walkway will be constructed between the detached garage and existing dwelling, which accesses the proposed rear addition.

The dwelling has an existing nonconforming front setback of 24.1 feet, where 25 feet is required in the SR-2 zoning district. The proposed work will not alter the existing front setback and minimally reduces the existing side and rear setbacks while remaining compliant with the SR-2 zoning standards. The proposed detached garage will comply with all accessory structure setback requirements. The height of the principal dwelling will increase from 33.7 feet to 34.2 feet, where 36 feet is the maximum allowed as of right. The

proposed detached garage will have a height of 19 feet, where 22 feet is the maximum allowed for accessory structures. Lot coverage will increase from 15.8% to 21.6%, where 30% is the maximum allowed, and open space will decrease from 77% to 73%, where 50% is the minimum required.

The proposed construction will result in an increase to the FAR from .33 to .41, where .34 is the maximum allowed as of right. The residential façade ratio will increase from 54% to 65% where 60% is the maximum allowed, requiring a special permit. While the dwelling measures as nonconforming at 3.5 stories due to the basement counting as a story, the dwelling presents as 2.5 stories from the street and is of a similar scale to surrounding properties. However the midpoint of the basement is slightly above the average grade, resulting in a nonconforming 3.5 structure. The proposed rear addition is considered two stories and contributes to FAR and residential façade ratio. Additionally, the proposed work will result in a total increase of 1,007 square feet of impervious area, which requires approval by the Engineering Department for compliance with the City's Stormwater Ordinance prior to the issuance of a building permit, should this project be approved.

V. Interdepartmental Review

- **Engineering Review:** Prior to the issuance of a building permit, the plans will be reviewed by the Department for compliance with standards outlined in the City's Stormwater Ordinance.

VI. Petitioner's Responsibilities

The petition is considered complete.

ATTACHMENTS:

- Attachment A:** Zoning Review Memorandum
Attachment B: 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 18, 2026

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Richard Brian Levey, architect
Haya Mayman and Michael Rivkin, Applicants
Katie Whewell, Acting Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to exceed FAR and façade ratio

Applicant: Haya Mayman & Michael Rivkin	
Site: 19 Saxon Road	SBL: 52016 0004
Zoning: SR2	Lot Area: 13,608 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 19 Saxon Road consists of a 13,608 square foot lot improved with a single-family dwelling constructed in 1912. The petitioners propose to construct a detached two-car garage and a rear addition to the dwelling, exceeding the maximum FAR and façade ratio, requiring a special permit.

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

- Zoning Review Application, prepared by Richard Brian Levey, architect, submitted 2/3/2026
- Existing Conditions Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 8/18/2025, revised 9/17/2025
- Proposed Conditions Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 2/2/2026, revised 3/18/2026
- 19 Saxon Attic Plan, submitted 3/12/2026
- Proposed Floor Plans and Elevations, signed and stamped by Richard B Levey, architect, dated 12/8/2025
- FAR calculations, signed and stamped by Richard B Levey, architect, submitted 2/3/2026

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to construct a detached garage and a rear addition including basement and first floor living space. The dwelling presents as 2.5 stories, however the midpoint of the basement is above the average grade, resulting in the basement being considered the first story. While presenting as a basement and first floor addition, where the basement is the first story the addition is therefore to the first and second story. As such, the proposed addition is two stories and contributes to the overall residential façade ratio. The proposed addition increases the façade ratio from 54% to 65% where 60% is the maximum allowed per sections 1.5.7 and 3.1.3, requiring a special permit per section 1.5.7.E.
2. As mentioned above, where the midpoint of the basement is above the average grade, the basement is considered the first story and counts in its entirety toward the FAR calculation. The proposed construction increases the FAR from .33 to .41 where .34 is the maximum allowed, requiring a special permit per sections 3.1.3 and 3.1.9.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	13,608 square feet	No change
Frontage	80 feet	96 feet	No change
Setbacks - Principal <ul style="list-style-type: none"> • Front • Side • Side • Rear 	25 feet 7.5 feet 7.5 feet 15 feet	24.1 feet 26.8 feet 13.1 feet 69.6 feet	No change 20.9 feet No change 68.1 feet
Setbacks - Accessory <ul style="list-style-type: none"> • Front • Side • Side • Rear 	25 feet 5 feet 5 feet 5 feet	NA NA NA NA	25.6 feet 5.2 feet > 5 feet > 5 feet
Height <ul style="list-style-type: none"> • Principal • Accessory 	36 feet 22 feet	33.7 feet NA	34.2 feet 19 feet
Stories <ul style="list-style-type: none"> • Principal • Accessory 	2.5 1.5	3.5 NA	No change
FAR	.34	.33	.41*
Façade Ratio	60%	54%	65%*
Max Lot Coverage	30%	15.8%	21.6%
Min. Open Space	50%	77%	73%

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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§3.1.9	Request to exceed FAR	S.P. per §7.3.3
§1.5.7		
§3.1.3	Request to exceed façade ratio	S.P. per §7.3.3

#166-26
19 Saxon Road

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 a rear addition and detached garage which exceed Floor Area Ratio (FAR) and residential façade ratio as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site is an appropriate location for the rear addition and detached garage with a Floor Area Ratio (FAR) of .41 and façade ratio of 65 percent because the proposed addition to the dwelling is at a scale that blends with the existing neighborhood of single-family homes. (§7.3.3.C.1)
2. The proposed rear addition and detached garage which exceed the FAR and façade ratio as developed will not adversely affect the neighborhood as the addition will be constructed within the footprint of the existing rear deck and the detached garage complies with applicable dimensional standards in the zoning ordinance including setbacks and height. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the proposed detached garage will be accessed via the existing curb cut. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed rear addition and detached garage, which exceed the FAR and façade ratio, are not in derogation of the size, scale, and design of other structures in the neighborhood, and are similar in scale to the existing homes in the neighborhood. Additionally, the proposed massing is broken up between two buildings mitigating the visual impact of the additional square footage. (§3.1.3, §3.1.9, §1.5.7)

PETITION NUMBER: #166-26

PETITIONER: Haya Mayman & Michael Rivkin

LOCATION: 19 Saxon Road, Ward 6, Newton Highlands, on land known as Section 52 Block 16 Lot 4, containing approximately 13,608 sq. ft. of land

OWNER: Haya Mayman & Michael Kivkin

ADDRESS OF OWNER: 19 Saxon Road
Newton Highlands, MA 02461

TO BE USED FOR: Rear addition and detached garage

RELIEF GRANTED: Special Permit per §7.3.3 to exceed FAR (§3.1.3, §3.1.9) and residential façade ratio (§1.5.7)

ZONING: Single-Residence 2 (SR-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. A site plan titled "19 Saxon Road Proposed Additions" prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, Professional Land Surveyor, dated February 2, 2026, and revised March 18, 2026.
 - b. A set of architectural drawings titled "Mayman / Rivkin Residence" prepared, signed, and stamped by Richard B. Levey, Registered Architect, dated December 8, 2025, consisting of the following sheets:
 - i. Page A4, "Proposed 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 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 FAR.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.