



#256-22

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**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 3, 2022  
Land Use Action Date: July 23, 2022  
City Council Action Date: August 1, 2022  
90-Day Expiration Date: August 1, 2022

DATE: April 29, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Katie Whewell, Senior Planner

SUBJECT: **Petition #256-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an additional parking stall in the front setback and to further extend a nonconforming driveway entrance width at 1090 Walnut Street, Ward 6, Newton, on land known as Section 22 Block 29 Lot 06, containing approximately 18,519 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 5.1.7.A, 7.8.2.C.2, 5.1.7.C of the City of Newton Rev Zoning Ord, 2017.

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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.



**1090 Walnut Street**

### **EXECUTIVE SUMMARY**

The property located at 1090 Walnut Street consists of an 18,519 square foot lot in the Single Residence 2 (SR-2) zone in Newton Highlands. The lot is a corner lot with frontage on both Walnut Street and Allen Terrace. The site is improved with a single-family residence constructed circa 1871 which is currently used as a group home. The petitioners are seeking to add a third parking stall and expand the existing curb cut to allow access to the third parking stall within the front setback from Allen Terrace. The petitioner is seeking relief to allow an additional parking stall within the front setback, and to further extend the nonconforming driveway width.

The Planning Department is unconcerned with the additional parking stall within the front setback from Allen Terrace and the extension of the nonconforming driveway width. The location of the additional stall has been carefully selected due to the topography and existing landscaping on site. The parking is well screened from Walnut Street and would better facilitate operations of the existing use. The site is also constrained with its configuration as a corner lot with two front setbacks.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed additional parking stall within the front setback. (§5.1.7.A, §5.1.13, §7.3.3.C.1.)
- The additional parking stall within the front setback will adversely affect the neighborhood. (§5.1.7.A, §5.1.13, §7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§5.1.7.A, §5.1.13, §7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.1.7.A, §5.1.13, §7.3.3.C.4)
- Literal compliance with the dimensional parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. ((§5.1.7.CA, §5.1.7.C, §5.1.13).
- The proposed extension of the nonconforming driveway width will be substantially more detrimental than the nonconformity is to the neighborhood (§5.1.7.C, §7.8.2.C.2).

#### **II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

A. Neighborhood and Zoning

The subject property is located on Walnut Street within the SR-2 zone in Newton Highlands. The SR-2 zone extends to the north, east and west, and there is a multi-residence 1 zone further south of the site (**Attachment A**). The land use of the properties in the neighborhood is mostly single family residential, with two multi residential parcels on Allen Terrace and Hillside Street. (**Attachment B**).

B. Site

The site consists of 18,519 square feet of land and is improved with a single-family dwelling utilized as a group home for adults with disabilities. The lot is served by one curb cut providing access to two parking stalls within the front setback. There is a steep upward slope from the Walnut Street frontage to the rear of the site. The site features mature landscaping throughout the property.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain a group home, which is a protected use and treated as a single-family dwelling use.

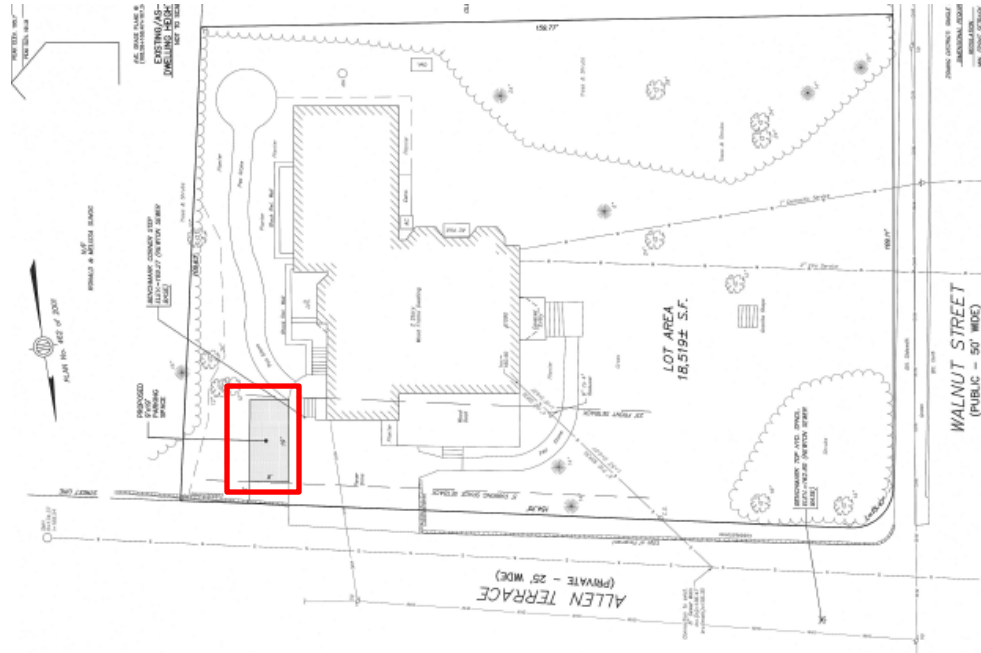
B. Building and Site Design

While there are no changes proposed to the dwelling, the petitioners are proposing to construct an additional parking stall within the front setback and further increase the driveway width.

C. Parking and Circulation

The petitioners are seeking to add an additional (third) parking stall within the front setback from Allen Terrace and increase the driveway width to access the additional parking stall. The configuration would allow for two parking stalls within the front setback, where only one is allowed as of right. The additional parking stall will comply with the 9 x 19-foot dimensions of the Ordinance. The petitioners are proposing to extend the nonconforming driveway entrance to accommodate the additional stall. The driveway entrance would increase from 30.3 feet to 39.3 feet, to allow access to the additional parking stall.

### Proposed Site Plan



The Planning Department is unconcerned with the additional parking stall within the front setback from Allen Terrace, as well as the extension of the nonconforming driveway width. The relief is specific to the group home use and would better facilitate site operations of pick up and drop off and staff parking. The additional parking stall may also remove traffic or standing vehicles from Allen Terrace to be contained on site. The parking area is already well screened from Walnut Street and the additional stall would not negatively impact the view from Walnut Street. The Planning Department also acknowledges the constraints with a corner lot and having two front setbacks and the relief required to locate an additional parking stall within the front setback.

D. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.7.A §7.8.2.C.2	Request to allow an additional parking stall in the front setback	S.P. per §7.3.3
§5.1.7.C §7.8.2.C.2	Request to further extend a nonconforming driveway entrance width	S.P. per §7.3.3

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

This petition does not meet the minimum threshold for Newton Historical Commission review.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Council Order






# ATTACHMENT A

## Zoning

1090 Walnut Street

*City of Newton,  
Massachusetts*

### Legend

-  Single Residence 2
-  Multi-Residence 1
-  Public Use

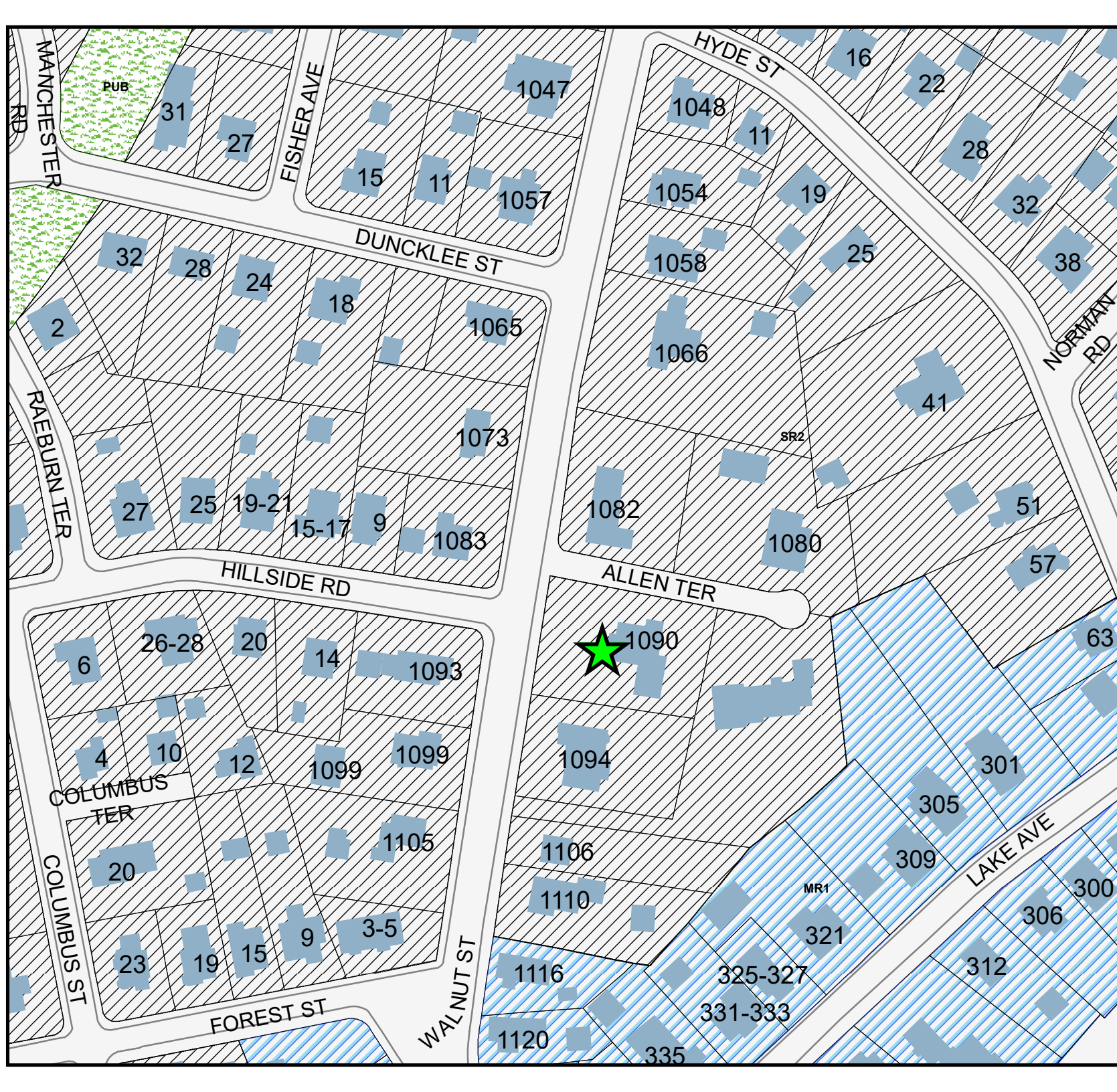


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 150 175  
Feet

Map Date: April 22, 2022





# ATTACHMENT B

## Land Use

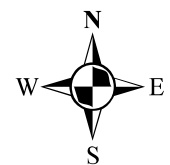
### 1090 Walnut Street

*City of Newton,  
Massachusetts*

## Legend

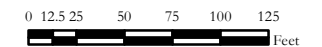
### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations



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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
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Map Date: April 22, 2022





**Ruthanne Fuller**  
Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: March 15, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Michael A. Wang  
SHI 2017 House Associates, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to parking in the front setback**

**Applicant: SHI 2017 House Associates**

<b>Site:</b> 1090 Walnut Street	<b>SBL:</b> 22029 0006
<b>Zoning:</b> SR2	<b>Lot Area:</b> 18,519 square feet
<b>Current use:</b> Single-family dwelling (group home)	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 1090 Walnut Street consists of a 18,519 square foot corner lot improved with a single-family dwelling constructed in 1871 used as a group home for adults with disabilities. The petitioner proposes to construct an additional parking stall in the front setback from Allen Terrace, requiring a special permit.

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

- Zoning Review Application, prepared Michael A. Wang, dated 2/6/2022
- As-Built Plan, signed and stamped by Luke J. Roy, engineer, dated 9/7/2018



**ADMINISTRATIVE DETERMINATIONS:**

1. The property is located at the corner of Walnut Street and Allen Terrace. There are two parking stalls located within the front setback accessed from Allen Terrace used to facilitate pick up and drop off of residents of the group home. The petitioner proposes to construct an additional parking stall within the front setback of Allen Terrace, extending the parking area. Per section 5.1.7.A only one parking stall may be located in the front setback for use in conjunction with a single-family dwelling. A special permit per section 7.8.2.C.2 is required to allow a third parking stall in the front setback where one stall is the maximum allowed.
2. Per section 5.1.7.C the maximum width allowed for an entrance drive is 20 feet. The existing curb cut width is nonconforming at 30.3 feet. The proposed additional parking stall further extends the nonconforming width to 39.3 feet, requiring a special permit per sections 5.1.7.C and 7.8.2.C.2.

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.7.A §7.8.2.C.2	Request to allow an additional parking stall in the front setback	S.P. per §7.3.3
§5.1.7.C §7.8.2.C.2	Request to further extend a nonconforming driveway entrance width	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 three parking stalls within the front setback and extend the nonconforming driveway width as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof.

1. The site is an appropriate location for the proposed additional parking stall within the front setback due to the site's topography and existing mature landscaping. (§5.1.7.A, §5.1.13, §7.3.3.C.1.)
2. The additional parking stall within the front setback will not adversely affect the neighborhood because the parking is well screened from Walnut Street . (§5.1.7.A, §5.1.13, §7.3.3.C.2.)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§5.1.7.A, §5.1.13, §7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.1.7.A, §5.1.13, §7.3.3.C.4)
5. Literal compliance with the dimensional parking requirements is impracticable due to the fifteen-foot grade change from the Walnut Street frontage to the rear of the lot and existing mature landscaping on the site. (§5.1.7.A, §5.1.7.C, §5.1.13).
6. The proposed extension of the nonconforming driveway width will not be substantially more detrimental than the nonconformity is to the neighborhood because the expanded driveway width utilizes an existing curb cut and allows access to the additional parking stall to better facilitate site operations and keep vehicles on site (§5.1.7.A, §5.1.7.C, §7.8.2.C.2).

PETITION NUMBER:

#256-22

PETITIONERS: Michael Wang

LOCATION: 1090 Walnut Street, on land known as Section 52, Block 20, Lot 7, containing approximately 18,519 square feet of land

OWNER: 1090 Walnut Street Condominium Trust

ADDRESS OF OWNER: 1090 Walnut Strete  
Newton, MA 02461

TO BE USED FOR: Driveway

CONSTRUCTION: Site only

EXPLANATORY NOTES: §5.1.7.A, §5.1.13, and §7.3.3 to allow parking within the front setback, and to further extend a nonconforming driveway width (§5.1.7.C , §7.8.2.C.2)

ZONING: Single Residence 2 district

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. Plan – 1090 Walnut Street, signed and stamped by Luke J Roy, Professional Land Surveyor, dated September 7, 2018, Revised February 4, 2022
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - a. Recorded a certified copy of this council order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a Professional Land Surveyor certifying compliance with Condition #1.

- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a Professional Land Surveyor.

DRAFT