



#295-22

Telephone  
(617) 796-1120

Telefax  
(617) 796-1142

TDD/TTY  
(617) 796-1089

www.newtonma.gov

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

Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

---

## PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 7, 2022  
Land Use Action Date: August 23, 2022  
City Council Action Date: September 5, 2022  
90-Day Expiration Date: September 5, 2022

DATE: June 3, 2022

TO: City Council

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

SUBJECT: **Petition #295-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new parking area allowing for parking stalls within the front setback at 326 Lake Avenue, Ward 6, Newton, on land known as Section 52 Block 22 Lot 02, containing approximately 9425 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 5.1.7.A, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

---

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.



**326 Lake Avenue**

## EXECUTIVE SUMMARY

The property located at 326 Lake Avenue consists of a 9,425 square foot lot in the Multi Residence 1 (MR-1) zone in Newton Highlands. The lot is a corner lot with frontage on both Lake Avenue and Station Avenue. The site is improved with a single-family residence constructed circa 1890. The petitioners are seeking to reconfigure the parking to allow two parking stalls within the front setback and remove an existing paved area at the southern corner of the lot. The project requires relief to allow an additional parking stall within the front setback.

The Planning Department is unconcerned with the additional parking stall within the front setback from Station Avenue. The site is constrained with its configuration as a corner lot thus subject to two front setbacks, the topography of the site, and the petitioner is removing a generous amount of existing pavement.

### 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 allowed number of parking stalls within the front setback 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).

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located on Lake Avenue within the MR-1 zone in Newton Highlands and near the Newton Highland MBTA stop. Between Walnut Street and Hyde Street, most of Lake Avenue is within the MR-1 zoning district, except for two parcels near Walnut Street within the Business 2 zone (**Attachment A**). The land use

of the properties on Lake Avenue are a mix of single- and two-family residential uses, with one commercial parcel front Walnut Street and Lake Avenue (**Attachment B**).

B. Site

The site consists of 9,425 square feet of land and is improved with a single-family dwelling. There is an upwards slope from the Station Avenue frontage to the side property line (opposite Station Avenue). The site features a retaining wall to provide a surface parking area. The lot is served by one curb cut providing access to the paved parking area within the front setback from Station Avenue. The site features mature landscaping throughout the property and ledge outcropping at the rear property line.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a single-family dwelling use.

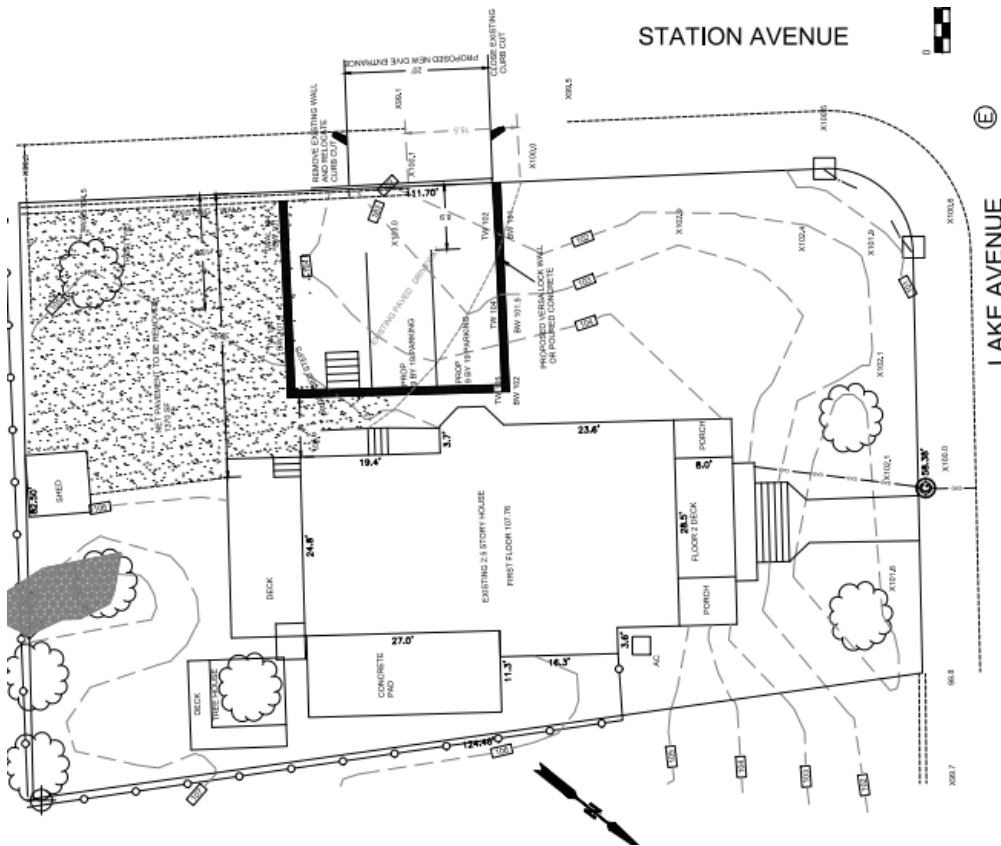
B. Building and Site Design

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

C. Parking and Circulation

The petitioners are seeking to reconfigure the parking area to add two parking stalls to be more central to the Station Ave frontage, for a total of two parking stalls. The petitioner is also removing the existing paving at the southern corner of the site. The proposed 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 remove a portion of the retaining wall and relocate the driveway entrance. As proposed, the relocated curb cut is 20 feet wide, which is the approximate total width of the two proposed parking stalls.

Proposed Site Plan



The Planning Department acknowledges the constraints of the corner lot, the topography of the site and having two front setbacks. The petitioner is proposing to remove a large portion of paved area. For these reasons, the Planning Department is unconcerned with the petition to allow two parking stalls within the front setback from Station Avenue.

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 §5.1.13	Request to allow an additional parking stall in the front setback	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

Zoning

326 Lake Avenue

City of Newton,  
Massachusetts

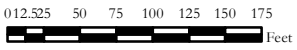
Zoning

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

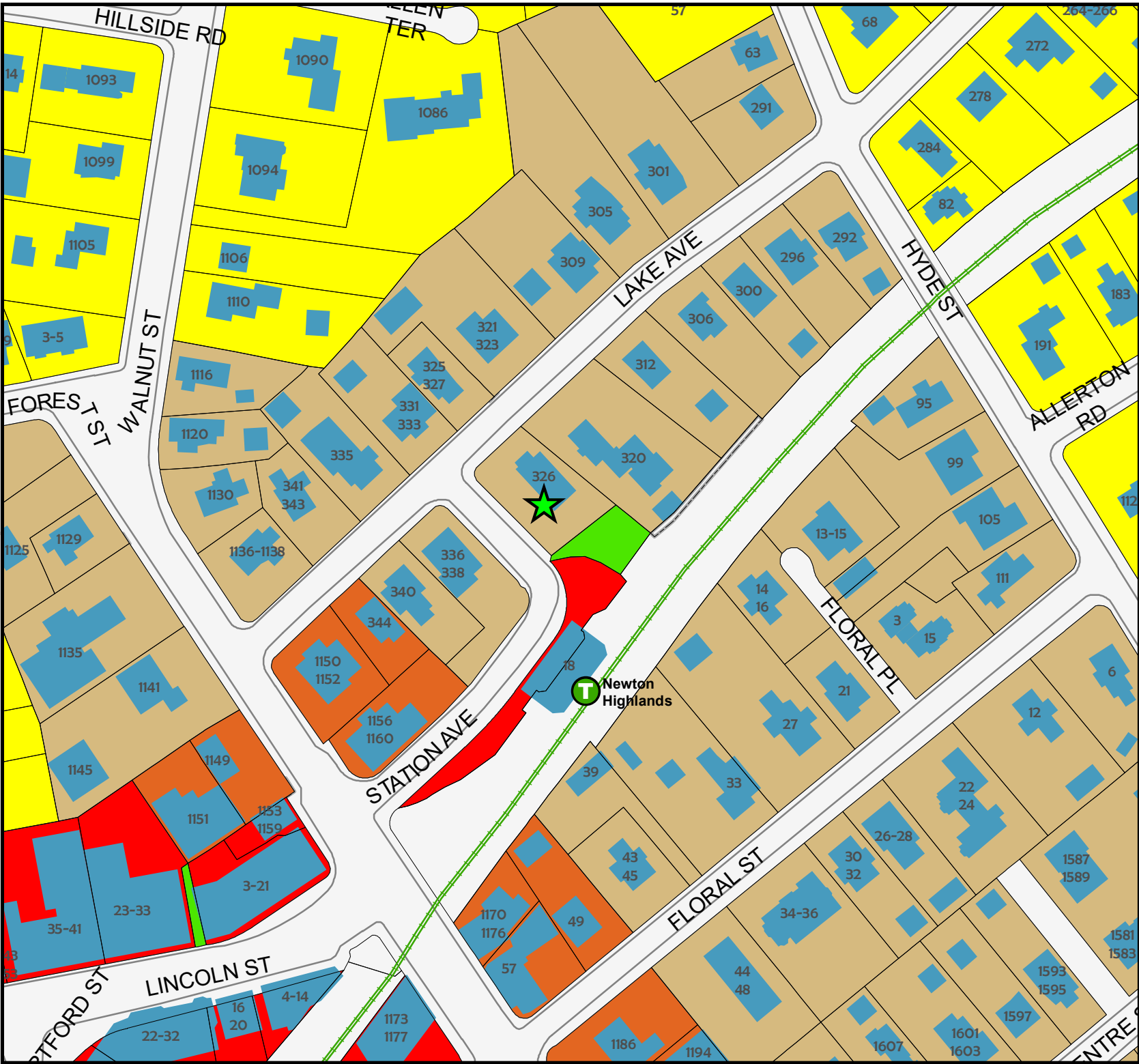


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: May 23, 2022



# ATTACHMENT B

## Land Use

326 Lake Avenue

*City of Newton,  
Massachusetts*

### Land Use

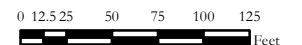
#### Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Nonprofit Organizations
- Vacant Land



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



Map Date: May 23, 2022





**Ruthanne Fuller**  
Mayor

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

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: April 11, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Karel Matyska, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

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

Applicant: Karel Matyska	
<b>Site:</b> 326 Lake Avenue	<b>SBL:</b> 52022 0002
<b>Zoning:</b> MR1	<b>Lot Area:</b> 9,425 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

### **BACKGROUND:**

The property at 326 Lake Avenue consists of a 9,425 square foot corner lot improved with a single-family dwelling constructed circa 1890. The petitioner proposes to remove the existing driveway and construct a new parking area allowing for two parking stalls within the front setback, requiring a special permit.

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

- Zoning Review Application, prepared Karel Matyska, applicant, dated 2/28/2022
- Proposed Curb Cut Relocation, signed and stamped by Frank Iebba, surveyor, dated 3/2/2021, revised 4/20/2021, 4/21/2021, 6/13/2021, 6/15/2021



**ADMINISTRATIVE DETERMINATIONS:**

- 1. The property is located at the corner of Lake Avenue and Station Avenue. The petitioner proposes to remove the existing driveway and construct two parking stalls accessed by the Station Avenue frontage. 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 5.1.13 is required to allow a second parking stall in the front setback where one stall is the maximum allowed.

See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.7.A §5.1.13	Request to allow an additional parking stall in the front setback	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 additional stall within the front setback 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 parking in the front setback. (§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 due to the overall reduction of impervious paving on the site. (§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 site's configuration as a corner lot. (§5.1.7.A, §5.1.7.C, §5.1.13).

PETITION NUMBER: #295-22

PETITIONERS: Karel Joseph Matyska and Bobbie Lynn Riley

LOCATION: 326 Lake Avenue, on land known as Section 52, Block 22, Lot 2, containing approximately 9,425 square feet of land

OWNER: Karel Joseph Matyska and Bobbie Lynn Riley

ADDRESS OF OWNER: 326 Lake Avenue  
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

ZONING: Multi Residence 1 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 – Proposed Curb Cut Relocation, signed and stamped by Frank Iebba Professional Land Surveyor, dated March 2, 2021, most recently revised June 15, 2021
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.