



City of Newton, Massachusetts

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: August 24, 2024

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Joseph Iadonisi, Senior Planner

SUBJECT: **Petition #297-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three attached single-family dwellings in two separate buildings and surface parking stalls on an undersized lot and with associated dimensional relief for the buildings and parking at 56 Chapel Street, Ward 1, Newton, on land known as Section 11 Block 06 Lot 49, containing approximately 9,478 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.1, 3.2.4, 6.2.3.B.2, 5.1.8.A.1, 5.1.13, 5.1.8.A.2, 5.1.8.B.6, 5.1.8.C.2, 5.1.8.D.1, 5.1.9, 5.1.10.A of Chapter 30 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 which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



56 Chapel Street

I. Project Description

Use –single-family attached

Zone – Multi-Residence 1

Lot size – 9,478 square feet

Existing Nonconformities – frontage

Proposal- The petitioner is seeking to construct three single-family attached units in two buildings

Analysis

The proposed project requires a significant amount of relief as the lot is undersized and the petitioner is proposing three units and associated parking on the lot. While Planning finds the quantity of items requiring relief to be significant, the degree of relief for each item is not necessarily concerning or the result of attempts to greatly exceed the standards of the Zoning Ordinance. Of the fourteen items of relief required, seven items are required because the lot has six parking stalls and therefore triggers requirements for lighting, for perimeter screening, for a minimum width of 20 feet for the driveway entrance/exit and the maneuvering aisle, and for additional space for end stalls. Strict compliance with these requirements would result in significantly more pavement and light pollution for abutting properties. Given the small lot size and width, there are few design options for avoiding requiring relief for these items for this type of development.

The majority of the remaining relief items are due to the proposed use as single-family attached with a total of three units. Given the proposed use on a 9,478 square foot lot with 68 feet of frontage, relief is required for lot area, lot area per unit, and frontage, regardless of the design. Additionally, the 25-foot required side setback would limit the lot to only 18 feet of buildable area in width, which may not be practical to adhere to for any single-family attached design.

While the small site and parking requirements create a significant number of items requiring relief, the site is located near a variety of similar uses and larger and nonconforming structures. Notably the Chapel Bridge Park Campus is located directly across the street in the Manufacturing Zone, containing eight large buildings on 250,000 square foot lot. These buildings maintain the massing of historic mill buildings with large four-story buildings located nearby. The area also features a number of other single-family attached, three-family, and multi-family dwellings, either granted by Special Permit or constructed prior to the Zoning Ordinance. Abutting 56 Chapel Street to the rear left/north are 29 and 35 Dalby Street, examples of recent by-right two-family in the Multi-Residence 2 zone.

In the absence of relief for this proposal, the FAR standards of the Multi-Residence 1 zone would allow for 0.48 FAR by-right for single- or two-family development. While there is no FAR requirement for single-family attached, a 0.51 FAR is proposed, demonstrating the proposed building massing is comparable to what is allowed by right for the lot. As the relief required for side setbacks and lot coverage is minimal, the project is not significantly larger than what would

be allowed by right for a single or two-family dwelling on the site. Given the small difference in the size of what is allowed by right and what is proposed, Planning believes this project has appropriately minimized the relief needed. Further, if relief is granted, the proposed project would add an additional two housing units in an area where similar development is common, close to the Nonantum Village Center, along the MBTA 558 and 59 bus routes, and close to commercial developments. The proposed increase from one dwelling unit to three does necessitate relief for parking and some dimensional standards, but it will advance the City’s goals for housing production as outlined in the Newton Comprehensive Plan.

II. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce required lot area	S.P. per §7.3.3
§3.2.4	To reduce required frontage	S.P. per §7.3.3
§3.2.4	To reduce required lot area per unit	S.P. per §7.3.3
§3.2.4	To reduce required side setback	S.P. per §7.3.3
§3.2.4	To exceed maximum lot coverage	S.P. per §7.3.3
§6.2.3.B.2	To allow parking within 20 feet of a lot line	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within the front and side setbacks	S.P. per §7.3.3
§5.1.8.A.2 §5.1.13	To allow outdoor parking stalls within five feet of a building with residential units	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	To allow restricted end stalls	S.P. per §7.3.3
§5.1.8.C.2 §5.1.13	To allow a reduced maneuvering aisle	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	To allow a reduced entrance/exit drive width	S.P. per §7.3.3
§5.1.9 §5.1.13	To waive the perimeter screening requirement	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive the outdoor lighting requirement	S.P. per §7.3.3

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

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

- The site is an appropriate location for the proposed attached single-family attached dwellings as designed (§7.3.3.C.1).
- The proposed single-family attached dwellings as designed will not adversely affect the neighborhood (7.3.3.C.2).
- The proposed attached single-family attached dwellings will not create a 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 in the construction and operation of the single-family attached dwellings (§7.3.3.C.4).
- Literal compliance with the parking requirements is impractical due to the nature of the use, or the location, size, frontage, 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 (§5.1.13).

IV. Project Proposal and Site Characteristics

The site at 56 Chapel Street currently consists of a single-family dwelling on a relatively flat 9,478 square foot lot in the Multi-Residence 1 zone. The dwelling was constructed in 1919 as a single-family dwelling with additions to the rear and right constructed in 1998. The site also features an existing driveway serviced by a fourteen-foot curb cut at the front-right of the property, garden beds along the rear and right lot lines, a small fenced concrete pad, retaining wall, and a small shed to the rear of the property. Surrounding the site are a variety of uses, including the large Chapel Bridge Park business center, a large parking lot, single-family attached dwellings, single-family dwellings, and a two-family dwelling.

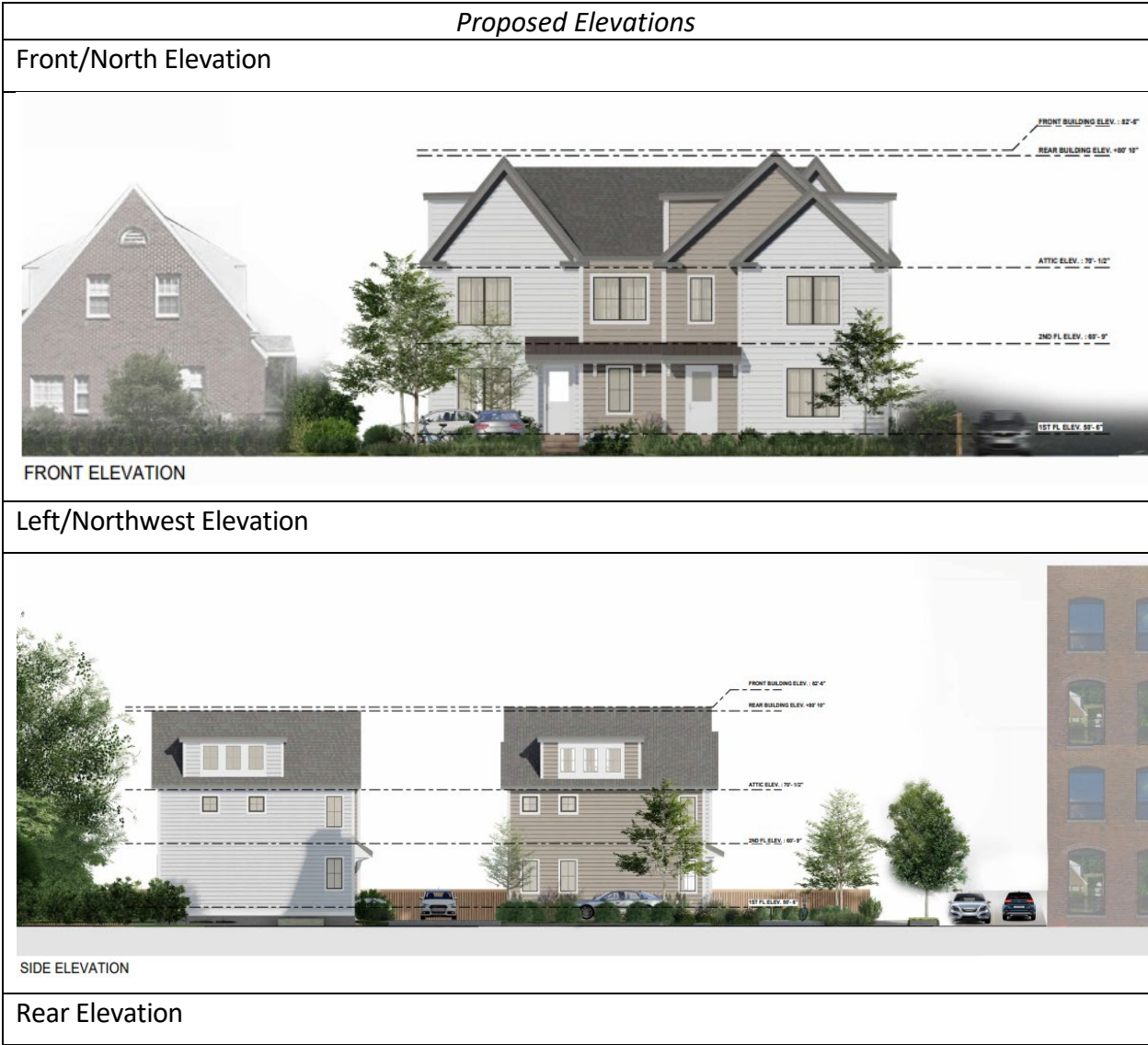
The proposed project consists of razing the existing dwelling and constructing two buildings, six parking spaces, and a driveway. The first building will be set back 25.8 feet from the front lot line and consist of a single unit, Unit A. The second building will be set back 26.7 feet from the rear of the lot with a 7.7 foot setback to the left and a 7.8 foot setback to the right and consist of two units, Units B and C.

The proposal seeks to eliminate the curb cut at the front and right of the lot and create a twelve-foot curb cut at the center of the lot. Six parking spaces and a bike parking area on permeable pavers are provided with two parking spaces parallel to the driveway located across from Unit A. Units B and C will have two parking spaces each oriented parallel to the front façade of the building and perpendicular to the driveway.

Each unit will have patio space to the rear with Unit A having additional patio space to the front. Unit A will reach a height of 34.47 feet and Units B and C will reach a height of 32.95 feet. Each unit will be 2.5 stories and have between 2,755 and 2,760 square feet of gross floor area. All units will share a similar design with large dormers on each side, an additional projection and gables on the front façade. As currently designed, the buildings will maintain a

contemporary appearance with sloped roofs, dormers, and projections on the front and rear facades providing some traditional design elements.

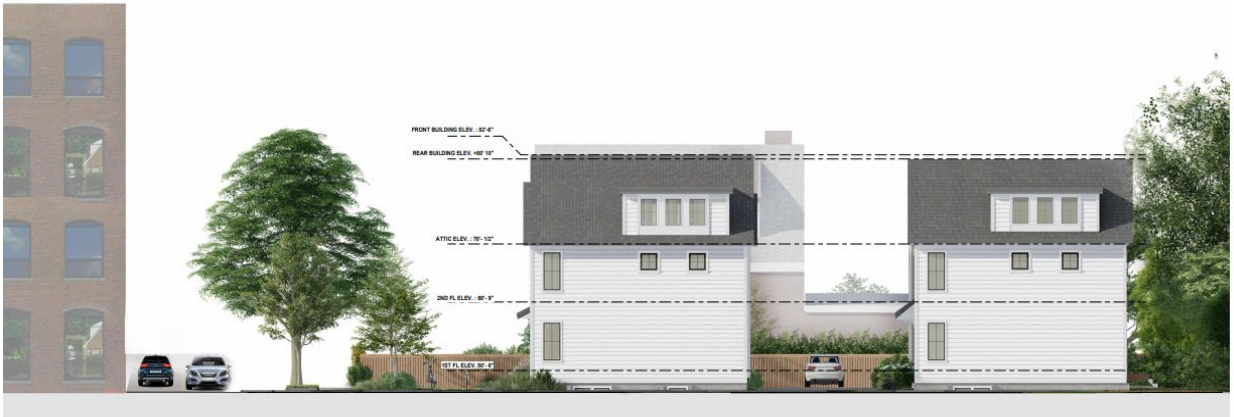
The proposed landscaping plan will add additional vegetation to the area, which is highly recommended as the site is located in between two large parking facilities and the addition of vegetation may assist in screening the property and limiting the heat island effect from the nearby parking.





REAR ELEVATION

Right/Southeast Elevation



SIDE ELEVATION

Proposed Landscaping



V. Interdepartmental Review

Review from the Department of Public Works Engineering Department is still in progress and required prior to the granting of a Building Permit. The Tree Warden’s review is complete for the Special Permit stage and a Tree Permit will be required prior to the granting of a Building Permit. The Newton Historical Commission found the building to be preferably preserved, but did not impose any demolition delay per the decision found in Attachment B as the architectural style of the existing building did not have sufficient neighborhood context.

VI. Petitioner’s Responsibilities

The petition is complete.

ATTACHMENTS:

- ATTACHMENT A:** Zoning Review Memorandum
- ATTACHMENT B:** Newton Historical Commission Demolition Review Decision
- ATTACHMENT C:** DRAFT Council Order



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 24, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Laurance Lee, Attorney
John G. Negrotti, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow three attached single-family dwellings in two buildings and associated parking waivers

Applicant: John G. Negrotti	
Site: 56 Chapel Street	SBL: 11006 0049
Zoning: MR1	Lot Area: 9,478 square feet
Current use: Two-family dwelling	Proposed use: Three attached single-family dwellings in two buildings

BACKGROUND:

The subject site is located in the Multi Residence 1 zoning district improved with a two-family dwelling constructed in 1919 with additions in 1998. The petitioner seeks to raze the existing dwelling and construct three attached single-family dwellings in two separate buildings and surface parking. The proposed attached single-family dwellings require a special permit as well as additional waivers relative to the surface parking stalls.

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

- Zoning Review Application, prepared by Laurance Lee, attorney, submitted 5/7/2024
- Existing Conditions Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 3/3/2024
- Zoning Plan, signed and stamped by Edmond Spruhan, engineer and Christopher C. Charlton, surveyor, dated 4/17/2024
- Floor Plans and Elevations, prepared by MGD, dated 5/2/2024

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to raze the existing dwelling and construct three attached single-family dwellings in two buildings. Per section 3.4.1, a special permit is required to allow attached single-family dwellings in the MR1 district.
2. Per the footnote to section 3.2.4, the City Council may grant exceptions to the dimensional standards of section 3.2.4 for attached single-family dwellings if it is determined that literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or graded of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or the protection of environmental features.
3. Section 3.2.4 requires 15,000 square feet of lot area for attached single-family dwellings. The lot is 9,478 square feet, requiring a special permit to waive the minimum lot area.
4. Section 3.2.4 requires 80 feet of frontage for single-family attached dwellings. The lot has 68 feet of frontage, requiring a special permit to waive the minimum frontage.
5. Per section 3.2.4, 4,000 square feet of lot area is required per dwelling unit. The petitioner proposes three dwelling units on the 9,478 square foot lot, resulting in a lot area per unit of 3,159 square feet, requiring a special permit.
6. Per section 3.2.4, attached single-family dwellings require 25-foot setbacks on each side. There are two buildings proposed on the site. The front building (Unit A) has a proposed side setback of 8.2 feet. The rear building (Units B and C) has proposed side setbacks of 7.7 and 7.8 feet on either side. A special permit to waive the side setback requirement for both buildings is required.
7. Section 3.2.4 allows for a maximum lot coverage of 25%. The petitioner proposes 25.8% lot coverage, requiring a special permit to exceed the maximum allowed.
8. The petitioner proposes six surface parking stalls; two parallel stalls along the driveway at Unit A, and two perpendicular stalls on either side of the north and south lot lines. Per section 6.2.3.B.2, no parking may be located within 20 feet of a lot line. All six of the proposed parking stalls are within 20 feet of the side lot lines, requiring a special permit.
9. Similar to section 6.2.3.B.2, per section 5.1.8.A.1 requires that no parking stall be located within the front or side setbacks. Section 3.2.4 requires 25-foot setbacks from every lot line. The petitioner proposes a parking stall within 6.9 feet of the front lot line and all six parking stalls are within the required side setbacks. A special permit per section 5.1.13 is required to allow parking within the setbacks.
10. Section 5.1.8.A.2 requires that no outdoor parking stalls locate within five feet of a building containing residential units. The four perpendicular stalls servicing Units B and C are within five feet of each of the buildings, requiring a special permit per section 5.1.13.
11. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides by obstructions must have a maneuvering space at the aisle end of at least 5 feet in depth and 9 feet in width. Two

perpendicular stalls adjacent to the building housing Units B and C do not meet the maneuvering space requirement, necessitating a waiver per section 5.1.13.

12. Per section 5.1.8.C.2, maneuvering aisles providing access for two-way traffic to parallel parking stalls must be 20 feet wide. The aisle width at the parallel stalls is 12 feet, requiring a waiver per section 5.1.13.
13. Per section 5.1.8.D.1, entrance and exit driveways for two-way use must be a minimum of 20 feet wide. The proposed driveway is 12 feet wide, requiring a waiver per section 5.1.13.
14. Section 5.1.9 requires that outdoor parking facilities with more than five stalls provide perimeter screening consisting of a 5-foot wide strip of dense vegetation, fencing and/or an earth berm. While landscaping is proposed throughout the site, it does not meet the strict requirements of this section relative to location, width and height of the landscape strip on the perimeter of parking areas, requiring a special permit per section 5.1.13.
15. Per section 5.1.10.A, outdoor parking facilities used at night must provide lighting with a minimum intensity of 1-foot candle on the entire surface of the facility. No lighting is shown on the provided plans, requiring a special permit per section 5.1.13.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	9,478 square feet	No change*
Frontage	80 feet	68 feet	No change*
Setbacks			
• Front	25 feet	33.3 feet	25.8 feet
• Side	25 feet	8.6 feet	7.7 feet*
• Side	25 feet	13.3 feet	7.8 feet*
• Rear	25 feet	58.4 feet	26.4 feet
Height	36 feet	27 feet	34.7 feet/33.1 feet
Stories	2.5	2.5	2.5
Lot Area Per Unit	4,000 square feet	4,739 square feet	3,159 square feet*
Max Lot Coverage	25%	Not provided	25.8%*
Min. Open Space	50%	Not provided	50.4%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce required lot area	S.P. per §7.3.3
§3.2.4	To reduce required frontage	S.P. per §7.3.3
§3.2.4	To reduce required lot area per unit	S.P. per §7.3.3
§3.2.4	To reduce required side setback	S.P. per §7.3.3
§3.2.4	To exceed maximum lot coverage	S.P. per §7.3.3
§6.2.3.B.2	To allow parking within 20 feet of a lot line	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within the front and side setbacks	S.P. per §7.3.3
§5.1.8.A.2 §5.1.13	To allow outdoor parking stalls within five feet of a building with residential units	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	To allow restricted end stalls	S.P. per §7.3.3
§5.1.8.C.2 §5.1.13	To allow a reduced maneuvering aisle	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	To allow a reduced entrance/exit drive width	S.P. per §7.3.3
§5.1.9 §5.1.13	To waive the perimeter screening requirement	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive the outdoor lighting requirement	S.P. per §7.3.3



Ruthanne Fuller
Mayor

City of Newton, Massachusetts

Department of Planning and Development
1000 Commonwealth Avenue Newton, MA 02459

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Newton Historical Commission Demolition Review Decision

Date: April 1, 2024 **Application #** HRA-24-55

Address of structure: 56 CHAPEL ST

Type of building: House
If partial demolition, feature to be demolished is

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

The Newton Historical Commission staff:

APPROVES the proposed project based upon materials submitted see below for conditions (i)
Demolition is not delayed, further staff review may be required.

DOES NOT APPROVE and the project requires Newton Historical Commission review on this date March 28, 2024 (See below).

Conditions:

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**
Demolition is not delayed and no further review is required.

is **PREFERABLY PRESERVED – (SEE BELOW).**

Owner of Record:
John Negrotti

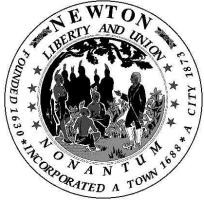
Delay of Demolition:
 is in effect until _____
 has been waived - see conditions

Please Note: if demolition does occur within two years of the expiration of the demolition delay, demolition will require a review by the Historical Commission for approval and may result in another order of delay.

Determination made by:

David Lewis, Chief Preservation Planner

Preserving the Past  Planning for the Future



Ruthanne Fuller
Mayor

City of Newton, Massachusetts

Department of Planning and Development
1000 Commonwealth Avenue Newton, MA 02459

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RECORD OF ACTION

DATE: April 1, 2024

SUBJECT: 56 CHAPEL ST

At a scheduled meeting and public hearing on March 28, 2024, the Newton Historical Commission, by
RESOLVED to: find the property preferably preserved.

<u>Voting in the Affirmative:</u>	<u>Voting in the Negative:</u>	<u>Abstained:</u>	<u>Recused:</u>
Doug Cornelius, Chair	John Rice Katie Kubie Anne Marie Stein Harvey Schorr Scott Friedman, Alternate		

Title Reference:

Owner of Property: John Negrotti
Deed recorded at: Middlesex County Registry of Deeds
 Book/Page
 Date



David Lewis, Chief Preservation Planner

Newton Historical Commission
 1000 Commonwealth Avenue, Newton, Massachusetts 02459
 Email: dlewis@newtonma.gov
www.newtonma.gov

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 attached single-family dwellings in two buildings and associated parking waivers for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site is an appropriate location for the proposed attached single-family attached dwellings as designed given the proximity to a wide variety of zoning districts, uses, building types, commerce, and transit (§7.3.3.C.1).
2. The proposed single-family attached dwellings as designed will not adversely affect the neighborhood as it is similar or smaller in scale to other buildings in the vicinity and places additional housing near to commerce and transit (7.3.3.C.2).
3. The proposed attached single-family attached dwellings will not create a nuisance or serious hazard to vehicles or pedestrians as there is adequate parking on the site and clear lines of sight for vehicles entering and exiting the site (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in the construction and operation of the single-family attached dwellings as the scale of vehicular traffic required for construction and use of the dwellings will be limited as utilities are already present on site and the site will host significantly less traffic than the abutting parking lot (§7.3.3.C.4).
5. Literal compliance with the parking requirements is impractical due to the nature of the use, or the location, size, frontage, 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. The subject lot is narrow and undersized, making it impractical to provide adequate space for six parking stalls while maintaining literal compliance with parking standards (§5.1.13).

PETITION NUMBER: #297-24

PETITIONER: John Negrotti

LOCATION: 56 Chapel Street, Ward 1, Newton, on land known as Section 11 Block 06 Lot 49, containing approximately 9,478 sq. ft. of land

OWNER: John Negrotti

ADDRESS OF OWNER: 56 Chapel Street
Newton, MA 02458

TO BE USED FOR: Single-family attached

RELIEF GRANTED: Special Permit per §3.4.1, §3.2.4, §6.2.3.B.2, §5.1.8.A.1, §5.1.13, §5.1.8.A.2, §5.1.8.B.6, §5.1.8.C.2, §5.1.8.D.1, §5.1.9, §5.1.10.A, and §7.3.3 to construct three attached single-family dwellings in two separate buildings and surface parking stalls on an undersized lot and with associated dimensional relief for the buildings and parking

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. Plot Plan signed and stamped by Bruce Bradford, Registered Land Surveyor, as revised April 17, 2024.
 - b. Architectural plans prepared by MGD+ dated June 25, 2024 consisting of the following sheets:
 - i. Proposed elevations (showing front and rear), SP.003
 - ii. Proposed elevations (showing right and left), SP.004
 - c. Landscaping plan prepared by MGD+ dated June 25, 2024 consisting of the following sheet, sheet SP.006.
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.
 - b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.