



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, August 27, 2024**

**Present:** Councilors Kelley (Chair), Block, Downs, Farrell, Leary, Lobovits and Lucas; Absent: Councilor Laredo

**Also Present:** Councilor Malakie, Micley, and Wright

**City Staff Present:** Senior Planner Cat Kemmett, Deputy Chief Planner Alyssa Sandoval, Assistant City Solicitor Jonah Temple, and Senior Planner Joe Iadonisi

All Special Permit Plans, Designs, Plan Memoranda and Application Materials, both past and present, can be found at the following link: [NewGov - City of Newton Land Use Committee Special Permit Search](#).

The full video of the August 27, 2024, Land Use Meeting can be found at the following link: [August 27, 2024 Land Use Meeting](#)

**#320-24**

**Request for Extension of Time to Exercise Special Permit #89-23 at 49 Lenox Street**

JOHN AND KYLIE MILLS petition for Extension of Time to April 18, 2025 to amend Special Permit Order #89-23 to raise the ridgeline and increase the roof pitch and construct two-story additions to both sides of the dwelling at 49 Lenox Street, Ward 3, West Newton, on land known as Section 32 Block 47 Lot 08, containing approximately 9,738 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 7-0

**Note:** Councilor Kelley introduced item #320-24. Councilor Lucas motioned to approve, which passed unanimously.

**#296-24**

**Request to allow oversized dormers and to further extend nonconforming FAR at 45 Bishopsgate Road**

RYAN AND JAMIE KIM petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct oversized attic dormers and further extend the nonconforming FAR at 45 Bishopsgate Road, Ward 7, Newton Centre, on land known as Section 61 Block 22 Lot 09, containing approximately 11,298 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 1.5.4.G.2.b, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 7-0; Public Hearing Closed 7-0

**Note:** Joe Iadonisi, Senior Planner presented the request to allow oversized dormers and to further extend nonconforming FAR at 45 Bishopsgate Road. The presentation is attached, and additional back-

up can be found at the following link: [Record SP-24-40 - ViewPoint Cloud](#) . Mr. Iadonisi noted there was a late revision of site plans, but none of the changes impact the relief being sought in the petition.

Laurance Lee, Rosenberg, Freedman & Lee, on behalf of the petitioner noted that he would update the FAR worksheet to show the current FAR as .47 instead of .50, and that the proposed FAR is .49. It was noted that it is not uncommon for undersized lots to have legally nonconforming FAR.

Jamie and Ryan Kim, the petitioners, clarified they will not be demolishing the current screened in porch.

The public hearing was opened. No member of the public was present to speak on the item.

Councilors voiced support for the project.

The public hearing was closed.

The committee discussed the draft council order. Mr. Iadonisi noted that he would make sure the correct elevations and updated plans are referenced in the Council Order. Mr. Lee noted that he would be submitting the updated FAR worksheet. Councilor Lucas motioned to approve, which passed unanimously.

**#301-24 Request to extend the nonconforming two-family dwelling use, to extend the nonconforming front setback and to allow an oversized dormer at 12-14 Stoneleigh Road**  
DONNA CVITKOVICH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rebuild and enclose porches and add dormers, further extending the nonconforming two-family dwelling use in a single residence zone at 12-14 Stoneleigh Road, Ward 3, West Newton, on land known as Section 31 Block 18 Lot 10, containing approximately 11,021 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 3.4.1, 7.8.2.C.2, 3.2.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action: Land Use Approved 7-0; Public Hearing Closed 7-0**

**Note:** Cat Kemmett, Senior Planner presented the request to extend the nonconforming two-family dwelling use, to extend the nonconforming front setback and to allow an oversized dormer at 12-14 Stoneleigh Road. The presentation is attached, and additional back-up can be found at the following link: [Record SP-24-34 - ViewPoint Cloud](#) . Ms. Kemmett noted the front porch addition would reduce the front setback and would be visible from the street. The decks on the first and second floor will be enclosed to increase living space.

Gonzalo Milet, husband of the petitioner, noted they are looking to add more space as they are providing care to his mom who is living with them, and allow his wife to have a home office.

Donna Cvitkovich, the petitioner, noted that Gonzalo's family lives on the first floor.

The public hearing was opened. No member of the public was present to speak on the item.

A councilor asked if the petitioners spoke with their neighbors, which the petitioners noted they did and the neighbors were supportive of the project.

Councilors voiced support for the project, and pleasure the existing dwelling is being rehabilitated.

The public hearing was closed.

The committee discussed the draft council order, and Councilor Lucas motioned to approve, which passed unanimously.

**#299-24 Request to amend Special Permit #240-23 to alter the nonconforming front setback at 290 Watertown Street**

290 WATERTOWN ST LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #240-23 to further extend the nonconforming front setback and allow the relocation of the building toward the street, and to convert three garage stalls to carports at 290 Watertown Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 03, containing approximately 11,473 sq. ft. of land in a district zoned BUSINESS1. Ref: Sec. 7.3.3, 4.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** **Land Use Held 6-1 (Councilor Lobovits Opposed); Public Hearing Opened**

**Note:** Alyssa Sandoval, Deputy Chief Planner presented the request to amend Special Permit #240-23 to alter the nonconforming front setback at 290 Watertown Street. The presentation is attached, and additional back-up can be found at the following link: [Record SP-24-39 - ViewPoint Cloud](#). Ms. Sandoval noted that the building is being proposed to be built closer to the street, which planning understands is at the request of a neighboring abutter.

Laurance Lee, Rosenberg, Freedman & Lee, on behalf of the petitioner noted that the gap between the proposed buildings would be widened by pushing the building closer to Watertown Street giving the abutter more sunlight. Due to building code and architectural concerns one of the garages has been turned into a carport. The building permit has been issued, and construction has been ongoing.

Ken Zhao, 14 Cook Street, expressed concern about soil being filled in to the top of his fence, so the view from the top of his fence is looking into the garage at the bottom of the tire level. Noted that the elevation blocks out the the sky for him. Stated he would be at eye level of vehicles entering the lot. He expressed concern about drainage, and runoff onto his property. Mr. Zhao also expressed that cars would not have enough turning radius to park in the garage, and overall, the project is oversized for the lot.

Ms. Sandoval noted issues with the stormwater should be addressed by engineering. Ms. Sandoval noted engineering reviewed and approved the plans. She noted the grade is raised about 4 feet at the rear of the property to make the site level.

Mr. Lee noted this is the first he is hearing of these issues, and questioned if these concerns were brought to the Inspectional Services Department.

A councilor expressed concern about the elevation change.

Jonah Temple, Assistant City Solicitor, noted that this discussion should be focused on the amendment, and not the whole project, as it has been approved.

A councilor asked to share the attached slides. The committee voted to suspend the rules to allow the sharing of material that was received within the 48 hour period before the meeting. A councilor expressed concern about the driveway changes, and how moving the building forward would impact

the driveway to the right. The councilor also expressed concern about vehicles abilities to pull in an out of parking spots. This councilor would like to see updated turning radius if the item is held tonight.

A councilor asked about where the retaining is going to be to hold up the driveway, and asked how projects that are currently in the process of being built are reviewed when they have a special permit.

Niko Giallousis, owner of 290 Watertown Street, and general contractor, noted they are currently constructing the building exactly to the plans that were approved, and this amendment is at the request of an abutter. He noted the building meets the by right size for height and will be under 36 feet in height, and the driveway is 16 feet in width at the request of the fire department. He noted there will be a retaining wall that will be under 4 feet in height. He noted moving the house forward will not impact the turning radius of cars entering or leaving the parking stalls. In terms of water runoff, there is an erosion control plan in place. Due to hitting dirty soil, they had to pump water into the sewer for a day, which they got approval for from engineering. Once the project is complete there will be two underground drainage systems in place to ensure water runoff is contained on site.

A councilor noted that stormwater runoff would best be addressed through a zoning enforcement request, which Mr. Temple agreed that would be the best way to address it. This councilor noted support for the amendment, as it was at the request of an abutter. This councilor questioned if the parking stalls are changed in size, and the petitioner noted they have not.

A councilor questioned if the green roof has plants on it, or is it artificial turf, and if there will be plantings at the front of the building. The petitioner noted there would be plantings on the roof, fencing on three sides, and plantings at the front of the building.

A councilor questioned if the foundation of the building in the front has been poured, which the petitioner noted it has not been poured.

A councilor reminded the committee they are not here to review the stormwater plans or the turning radius. They are here to review moving the building towards the street by 3 feet, and this councilor would vote in support of the amendment.

Peter Harrington, who represents the neighbor to the left, Christniana Cardoso at 282 Watertown Street, expressed his client is not supportive of this amendment.

A councilor questioned if this amendment was being done on behalf of Ms. Cardoso. Mr. Harrington noted that his client has not been involved in the process of this amendment and has not been consulted. Mr. Harrington noted his client is supportive of moving the building forward, but not supportive of the change of the garage to a carport, which will cause lights to shine into her house.

Vicente Anito, an architect representing Ms. Cardoso, questioned why the garage was changed into a carport. He noted he expressed the hope of more of a clipped roof than what was presented.

Marylee Belleville, 136 Warren Street noted this does not appease the neighbor, and it is not what the petitioner wanted to do.

Niko Giallousis, stated that he has a written agreement with the neighbor that she wanted the building moved up

A councilor questioned if changing the garage to the carport is in the written agreement, which Mr. Giallousis noted it did not, but they added this change to make it compliant with the building code. This councilor noted he did not believe the change to a carport was a small change.

Mr. Lee noted at the time of the agreement with the neighbors they did not know the parking garage to parking stall change would have to be made to accommodate the building code.

A councilor questioned if the amendment could be withdrawn, and they could build it as originally approved, which Mr. Temple noted they could.

Mr. Lee noted it is the preference of the client for the vote to happen tonight, as the front portion of the building has been delayed as a result of this amendment.

A councilor noted the petitioner was happy with the original plan, and the neighbor does not like this plan, so this councilor feels the amendment should be denied.

A councilor requested the petitioner, Mr. Lee, and Mr. Harrington meet to determine if the amendment should be moved forward.

Councilor Lucas motioned to hold which passed 6-1 (Councilor Lobovits Opposed)

**#300-24      *Request to amend Special Permit #392-22 at 120-126 Norwood Avenue***

120 NORWOOD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #392-22 and to allow additional parking on site which is proposed to be located 20 feet of a lot line at 120 Norwood Avenue, Ward 2, Newtonville, on land known as Section 22 Block 09 Lot 05, containing approximately 24,897 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.1, 3.2.4, 5.1.4, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 4-3 (Councilor Downs, Leary, and Lobovits Opposed); Public Hearing Closed 7-0**

**Note:**      Joe Iadonisi, Senior Planner presented the request to amend Special Permit #392-22 at 120-126 Norwood Avenue. The presentation is attached, and additional back-up can be found at the following link: [Record SP-24-37 - ViewPoint Cloud](#) . The special permit was approved in 2022 and the condition in the council order allowed for 6 cars to be parked onsite. This amendment would allow 8 cars to be parked on site. The petitioner will widen the rear portion of the driveway to add one parking stall, and widen the driveway parallel to the western wall line to add the second stall. This would increase impervious paving by 1,100 square feet, but the petitioner did submit paperwork today to use permeable pavers. It was noted the public and the Land Use Committee was in favor of reduced parking at the time of the approval of this special permit.

Terry Morris, attorney for the petitioner, Shaun Leary, noted that when this was first approved there was concern from neighbors regarding if cars should be parked on site or on-street, the volume of traffic and traffic patterns due to the renovations of the Cabot school. At the time of approval there were

conversations if two parking stalls were needed, when comparing it to the multifamily rental units happening that were requesting less than two stalls. He noted that this does not compare well with 2 family dwellings such as this, which buyers often look for two parking stalls per unit. He noted most two family dwellings in the area have two parking stalls. He noted that one abutter most impacted by the parking change has communicated support for this change.

The public hearing was opened.

Marylee Bellville, 136 Warren Street noted she does not believe this should be approved, and the original special permit should be followed.

Jini Fairley, 12 Clarendon Street, noted opposition to this petition and believes this is a multi-transit development, and as a city she believes there is a focus to have less cars. At the time it was approved the community was in support of less cars and she feels this is a small site to add additional parking.

Mr. Morris stated that this is in the public benefit by taking cars off the street.

A councilor noted opposition to the petition, because this councilor supports having less cars driving in the city and believes that allowing more parking stalls will encourage more car usage.

A councilor expressed if these stalls are not approved, they would be parking on the street, and if the winter parking ban is overturned during the referendum, this would be two cars parking on the street year around. He voiced support for this petition to have less cars parking on the street.

Mr. Morris noted that an electric charging station would be installed in each of the four garages.

A councilor noted support for this petition, and if people don't have cars then they will take uber or lyft. The marketplace is telling the developer that there needs to be two parking stalls for these units, which this councilor believes should be allowed.

A councilor noted concern for the amount of traffic in the area, and is not supportive of additional parking in the area which would increase the traffic in the area.

A councilor voiced support for the petition, and pleasure that EV chargers are being installed.

A councilor voiced support for the petition noting this spot is different than other dense developments like Austin Street and Trio where people are choosing to have less cars. Public transportation at this location is unreliable often necessitating the use of cars in this neighborhood.

A councilor noted opposition after listening to abutters concerns.

A councilor voiced opposition to the petition, and noted if the unit cannot sell with one parking stall, a better solution would be lowering the price instead of adding more parking.

The public hearing was closed.

The committee discussed the draft council order. A councilor question if the cobblestone and permeable paver needed to be conditioned, and Ms. Kemmett noted it would be referenced on the site plan. Councilor Lucas motioned to approve, which passed 4-3 (Councilors Downs, Leary, and Lobovits Opposed).

**#298-24 Request to allow three attached single-family dwellings in two buildings and associated parking waivers at 56 Chapel Street**

JOHN G. NEGROTTI petition 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.

**Action:** Land Use Held 7-0; Public Hearing Opened

**Note:** Joe Iadonisi, Senior Planner presented the request to allow three attached single-family dwellings in two buildings and associated parking waivers at 56 Chapel Street. The presentation is attached, and additional back-up can be found at the following link: [Record SP-24-42 - ViewPoint Cloud](#). The existing dwelling will be razed and has gone through the historic process. There are permeable parking stalls off the main driveway. Mr. Iadonisi noted that it is a small lot, and there would not be a lot of design options that would limit the relief needed.

Laurance Lee, Rosenberg, Freedman & Lee, on behalf of the petitioner noted a lot of the waivers are the result of the zoning code treating their parking stalls as a parking facility. Mr. Lee noted they are surrounded by a manufacturing zone. Mr. Lee noted they are going through the special permit process, as it would give them more design freedom to allow them to break up the massing, instead of having one large square building. Without counting the basement, the units are just over 2000 square feet. The existing driveway on the right side of the building will be relocated to the middle of the lot. He noted an existing retaining wall at the back of the property, and the petitioner is working with the abutters to the rear to rebuild the retaining wall to bring it into a better condition.

A councilor expressed pleasure that they are working with the neighbors, and the retaining wall would be rehabilitated into a better condition. Feels this option is better than the by right alternative.

A councilor expressed a desire to get a plan from planning on what the future of this street would look like considering the make up of the street is manufacturing, parking lots, and a residential neighborhood to the rear.

A councilor noted a desire for smaller homes on the smaller lot, would like it conforming with lot coverage, and would like the petitioner not to build into the side setback to the north of the property. This councilor asked what the side setbacks are for a by right option, and the lot coverage for a two family residence in zone one. Mr. Iadonisi noted that the lot coverage would be 30% for a by right and special permit, and the side setbacks would be 7.5 feet on both sides for by right.

A councilor expressed a desire for the use of less pavement and would support 4 parking stalls for three units.

The public hearing was opened.

Mark Rossi, 112 Chapel Street, noted support for the design instead of a boxed design.

A councilor voiced support for saving the trees to the back of the property.

Councilor Leary motioned to hold, which passed unanimously.

**#160-24 Request to allow a retaining wall exceeding four feet in height in a setback and to exceed FAR at 54-56 Indiana Terrace**

INDIANA TERRACE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow retaining walls along the sides and rear of the dwelling exceeding four feet in height within the side setback at 54-56 Indiana Terrace, Ward 5, Newton Upper Falls, on land known as Section 51 Block 40 Lot 06, containing approximately 7,760 sq. ft. of land in a district zoned Multi Residence 1. Ref: Sec. 7.3.3, 5.4.2.B, 3.2.3, 3.2.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 7-0; Public Hearing Opened on 04/02/2024**

**Action:** **Land Use Held 7-0; Public Hearing Continued on 08/27/2024**

**Note:** Joe Iadonisi, Senior Planner presented the request to allow a retaining wall exceeding four feet in height in a setback and to exceed FAR at 54-56 Indiana Terrace. The presentation is attached, and additional back-up can be found at the following link: [54-56 INDIANA TER, NEWTON UPPER FALLS, MA 02464 - ViewPoint Cloud](#). Mr. Iadonisi noted revised architectural and site plans were submitted on July 15<sup>th</sup> as requested. It was noted this has been built and they are asking for the relief after the fact. It was noted that from the front lot line to the rear lot line, there is a drop of 20 feet in elevation, making retaining walls likely necessary to create a usable site. There are five sections of retaining walls that require relief. In the back left of the house a retaining wall is 8 feet. A balcony and two gables were added to the front of the dwelling. It is drafted in the conditions that there will be checks by the engineering and Inspectional Services Departments to ensure there was no need of additional review. Also in the conditioning is an operations and maintenance plan, as well as landscaping to help stop erosion and add structural integrity to the walls.

Michael Pierce, attorney for the petitioner, noted originally the petitioner had a buy right building permit. He noted the original plans went under full engineering and drainage review, including structural analysis. During building, instead of building one giant the wall, the petitioner determined it would be better to terrace the back yard to make it more usable. This meant there would be retaining walls on the side of the property, as well as more of the basement being exposed increasing FAR, necessitating a special permit. It was noted the petitioner has been in conversation with abutters to both sides of the property, and they are satisfied with how the construction was done. Mr. Pierce noted they have a robust landscaping plan in place. He noted the drainage system is in place, and complies with the city stormwater design. He noted the design of the house is similar to those in the neighborhood.

The public hearing was continued.

Matthew Djokowski, 36 Indiana Terrace, expressed concern with the retaining walls needed to create stability, and feels the house is to big for the neighborhood.

A councilor expressed replacing the 14 foot retaining walls with a series of retaining walls was supported by the abutters.



A councilor noted support of the FAR relief, and understands the site is difficult to build on which is why the retaining walls might be necessary.

Jeet Shahani, stated there has been no work done since the spring, and they have tried to maintain the site, while waiting for the special permit to be resolved.

Councilor Downs motioned to hold which passed unanimously.

The committee adjourned at 10:45PM.

**Respectfully Submitted,**

**Andrea Kelley, Chair**

# City of Newton Planning and Development

Petition: #301-24

### Special Permit/Site Plan Approval

Request to extend the nonconforming two-family dwelling use, to extend the nonconforming front setback and to allow an oversized dormer



12-14 Stoneleigh Road

August 27, 2024

# Zoning Relief

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to alter and extend a nonconforming two-family dwelling use	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	Request to extend the nonconforming front setback	S.P. per §7.3.3
§1.5.4.G.2.b	Request to allow a dormer exceeding 50% of the length of the wall below	S.P. per §7.3.3

# Criteria to Consider

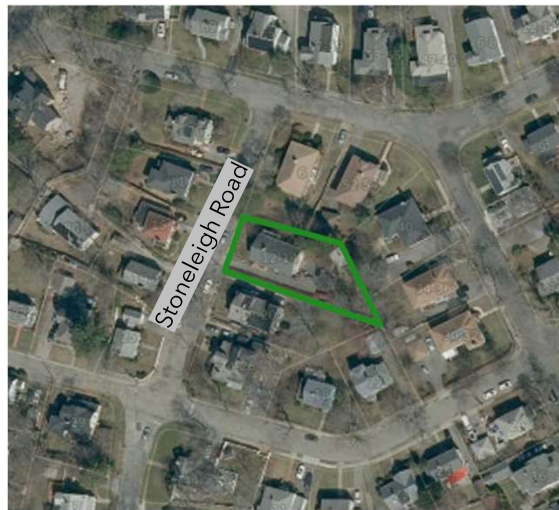
When reviewing this request, the Council should consider:

- The site in SR-3 is an appropriate location for the proposed work which requires relief to alter and extend a nonconforming two-family dwelling use, extend the Petition #301-24 12-14 Stoneleigh Road Page 3 of 5 nonconforming front setback, and allow a dormer exceeding 50% of the length of the wall below (7.3.3.C.1)
- The proposed work which requires relief to alter and extend a nonconforming two-family dwelling use, extend the nonconforming front setback, and allow a dormer exceeding 50% of the length of the wall below will not adversely affect the neighborhood (§7.3.3.C.2)
- The proposed work which requires relief to alter and extend a nonconforming two-family dwelling use, extend the nonconforming front setback, and allow a dormer exceeding 50% of the length of the wall below 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. (§7.3.3.C.4)
- The proposed extension of the nonconforming two-family dwelling use will not be substantially more detrimental than the existing nonconforming residential use is to the neighborhood (§3.4.1, §7.8.2.C.2)

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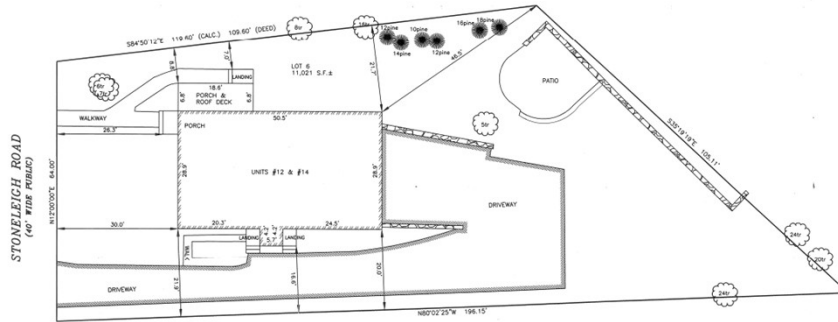
## Aerial Map



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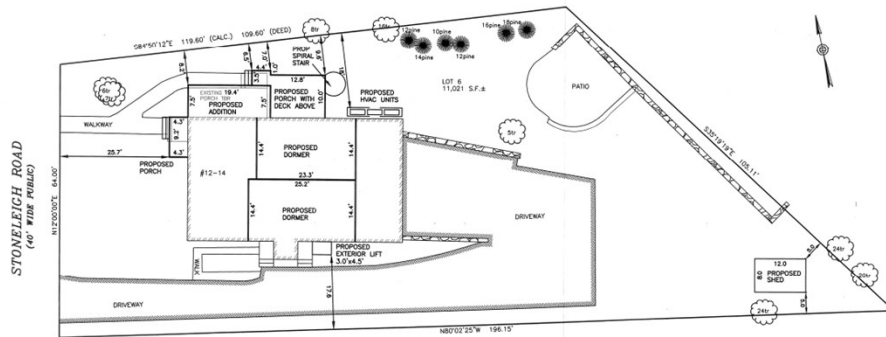
# Existing Site plan



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# Proposed Site plan



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# Left elevation (north)



# Rear elevation (east)



## Findings

1. The site in SR-3 is an appropriate location for the proposed alteration and extension of a nonconforming two-family use, extension of nonconforming front setback, and dormer exceeding 50% of the length of the wall below because there are other nonconforming two-family dwellings in the vicinity that are built to a similar scale. (§7.3.3.C.1)
2. The proposed alteration and extension of a nonconforming two-family use, extension of nonconforming front setback, and dormer exceeding 50% of the length of the wall below will not adversely affect the neighborhood because the front setback will be reduced by less than a foot, which will minimize negative impact to abutting properties. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the driveway and curb cut will be maintained in the same location. (§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 alteration and extension of a nonconforming two-family use, extension of nonconforming front setback, and dormer exceeding 50% of the length of the wall below will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because it complies with other dimensional regulations including the required minimum open space, maximum height, maximum lot coverage, and maximum floor area ratio. (§7.3.3.C.1)

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## Conditions

1. Plan referencing
2. Standard building permit conditions
3. Standard occupancy conditions

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# City of Newton Planning and Development

## Petition #299-24

Special Permit/Site Plan Approval  
Request to amend Special Permit #240-  
23 to extend a nonconforming side  
setback, at 290 Watertown Street

**August 27, 2024**



**290 Watertown Street**

1

# Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
	To amend Special Permit #240-23	
§4.1.3 §7.8.2.C.2	To alter and extend a nonconforming side setback	S.P. per §7.3.3

**Background:**

- **2023:** special permit was granted for the development with four residential units in a 3-story, 10,735-square-foot building.
- **Current petition:** amends the special permit to modify the front setback to move the building slightly closer to the street compared to the previously approved site plan

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# Criteria to Consider

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the amendment to Special Permit #240-23 and the proposed 4-unit, three-story residential development with ground level parking. (§7.3.3.1)
- The amendment to Special Permit #240-23 will not adversely affect the neighborhood. (§7.3.3.2)
- There will not be a nuisance or serious hazard to vehicles or pedestrians as a result of the amendment to Special Permit #240-23. (§7.3.3.3)
- Access to the site is appropriate for the types and numbers of vehicles involved. (§7.3.3.4)

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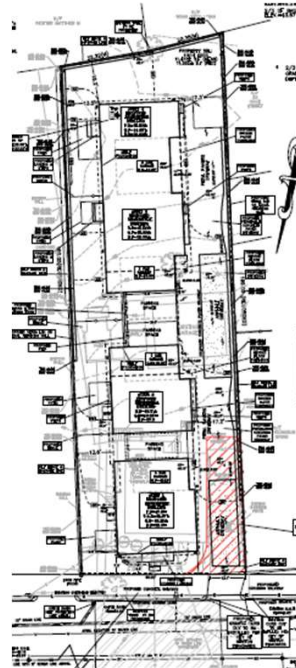
## Aerial Map



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# Site Plan

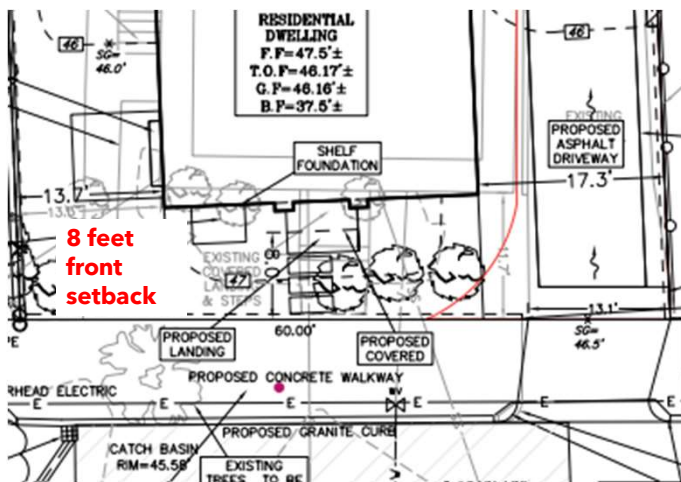
- 4 residential units
- 3-stories
- 10,735-square-foot in 3 buildings
- 1 covered carport and green roof for two parking spaces



Watertown Street

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# Prior Approved Site Plan, 2023



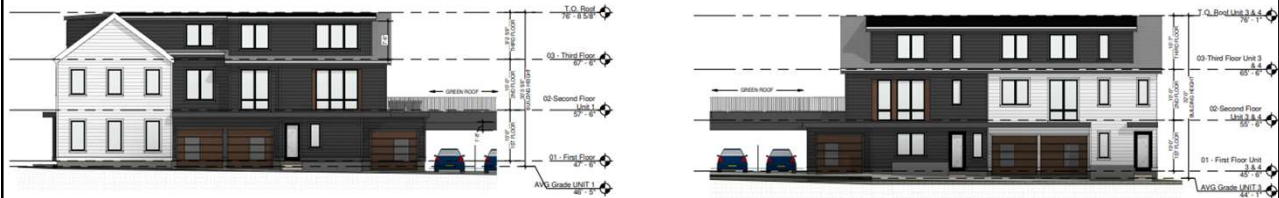
Watertown Street

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# Proposed Elevations

## Right Elevation - Garages



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# Proposed Elevations

## Left Elevation - Side yard



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## Planning Analysis

- Proposed amendment does not increase the size of the development in height or square footage
- Changes from the previously approved plan are minor with a small reduction in the front setback but still conforming

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## Findings

- The amendment to Special Permit #240-23 is not substantially more detrimental to the neighborhood because the nonconforming side setback of 13.5 feet will be a slight improvement to the side setback of the existing condition of 13.3 feet.
- The amendment to Special Permit #240-23 will provide a visual improvement to neighbors because it widens the single-story carport covered by a green roof between the two main residential structures adjacent to neighbors
- The amendment to Special Permit #240-23 and proposed four unit-development will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway width is only 13.1 feet wide, creating a narrower crossing distance for pedestrians. The driveway is also being maintained in the same location as the existing conditions of the site and is limited to one way traffic.
- The amendment to Special Permit #240-23 will correct the existing nonconforming front setback of the existing house and provides better visibility for motorists exiting the driveway onto Watertown Street

12

## Conditions

- + *Standard Plan Condition*
- + *Standard Building Permit Condition*
- + *Standard Pest Control*
- + *Sustainability Features - solar panel ready; EV ready; and bicycle storage*
- + *Construction Management Plan*
- + *Standard Final Inspection/Certificate of Occupancy Condition*

# City of Newton Planning and Development

Petition: #300-24

### Special Permit/Site Plan Approval

Request to amend Special Permit #392-22 and to allow additional parking on site which is within 20 feet of a lot line

August 27, 2024



120 Norwood Ave

# Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
	Amend Special Permit #392-22	
§6.2.3.B.2	To allow parking stalls within 20 feet of a lot line	S.P. per §7.3.3

# Criteria to Consider

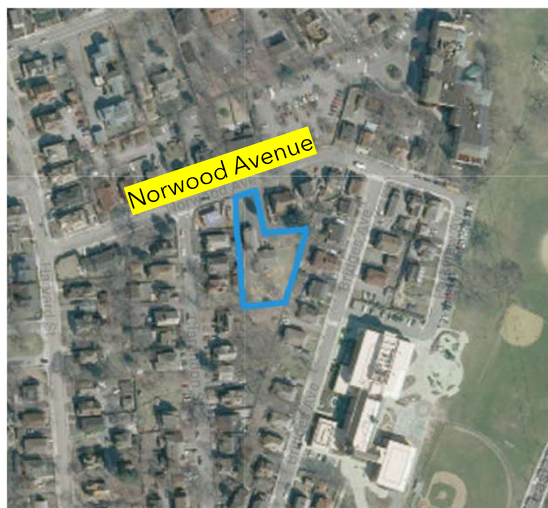
When reviewing this request, the Council should consider:

- The site is an appropriate location for the proposed amendment that would allow parking within 20 feet of a lot line (§7.3.3.C.1)
- The proposed amendment that would allow parking within 20 feet of a lot line will not adversely affect the neighborhood (7.3.3.C.2)
- The proposed amendment that would allow parking within 20 feet of a lot line 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 (§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)

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3

## Aerial Map



4

4





## Findings

1. The specific site is an appropriate location for the proposed amendment to allow parking within 20 feet of a lot line because constructing two additional parking stalls will eliminate the need for the existing waiver of two parking stalls. (§7.3.3.C.1)
2. The proposed amendment to allow parking within 20 feet of a lot line will not adversely affect the neighborhood because the additional parking will be screened from abutting properties by plantings. (§7.3.3.C.2)
3. The proposed amendment to allow parking within 20 feet of a lot line will not create a nuisance or serious hazard to vehicles or pedestrians because the curb cut will be maintained in its current location and orientation and the additional parking will be set back from the street. (§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. An exception to the parking requirements which do not allow parking within 20 feet of a lot line is in the public interest because locating additional parking elsewhere on the site would likely require a greater increase in the amount of impervious paving than what this petition proposes. (§6.2.3.B.2)

7

## Conditions

- Plan referencing
- Previous conditions remain in effect
- Remove condition #11

8

# City of Newton Planning and Development

Petition: #297-24  
**Special Permit/Site Plan Approval**  
 Construction of three single-family attached  
 dwellings in two buildings  
 August 27, 2024



56 Chapel Street

## Zoning Relief

Zoning Relief Required		
Ordinance		Action Required
§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

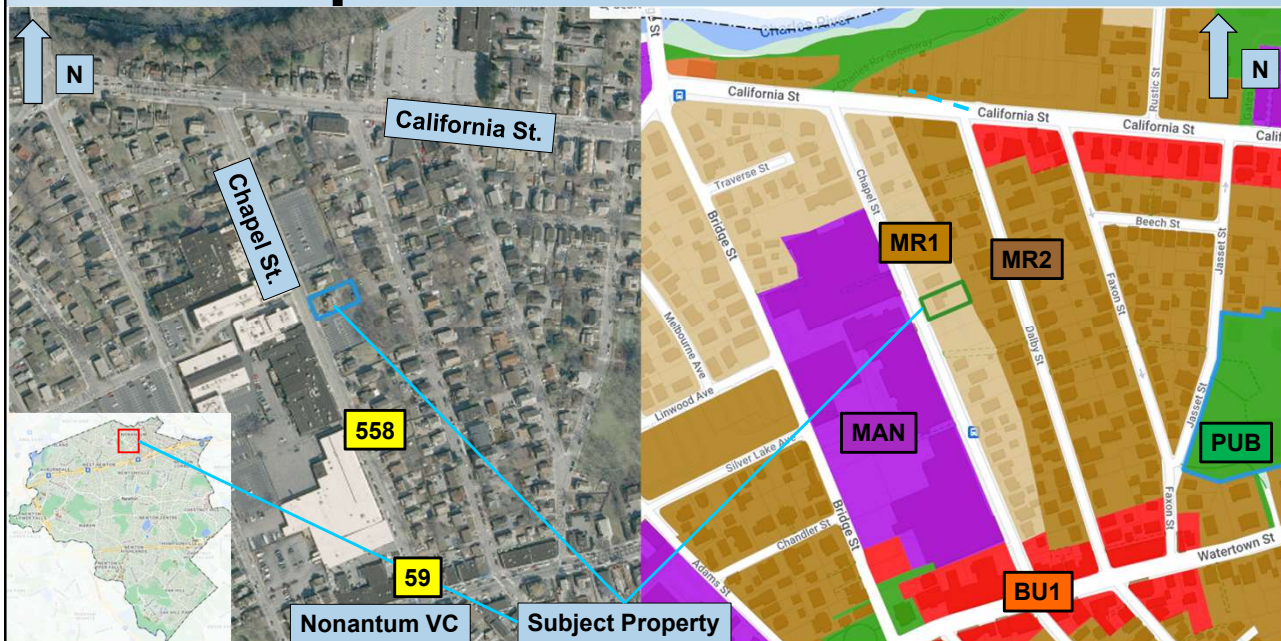
# Criteria to Consider

When reviewing this request, the Council should consider:

1. The site is an appropriate location for the proposed attached single-family attached dwellings as designed (§7.3.3.C.1).
2. The proposed single-family attached dwellings as designed will not adversely affect the neighborhood (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 (§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 (§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 (§5.1.13).

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# Aerial Map



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# Area Context

Google Earth View of 56 Chapel



Selection of Similar Uses in Area (Source: Assessor's DB)

**Key**

- Multi-Family ■
- Three Family ■
- Single-Family ■
- Attached ■



11-13 Chapel



29 Dalby

35 Dalby



11-13 Dalby

5

# Site Plan- Existing

**AVERAGE GRADE PLANE**

EXISTING ROOF PEAK  
ELEV. = 74.76 ±

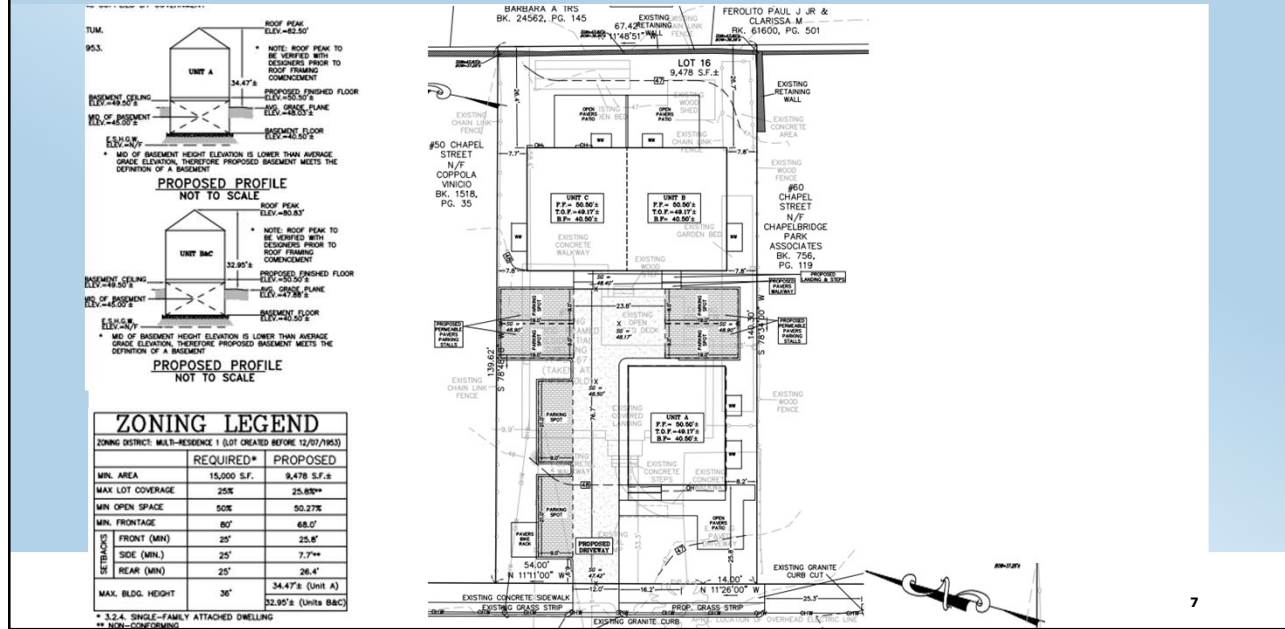
EXISTING FINISHED FLOOR  
ELEV. = 74.07 ±

APPROX. FINISHED GRADE  
ELEV. = 47.70 ±

**EXISTING PROFILE**  
NOT TO SCALE

6

# Site Plan- Proposed



7

# Site Plan- Schematic



8

# Elevations- Front



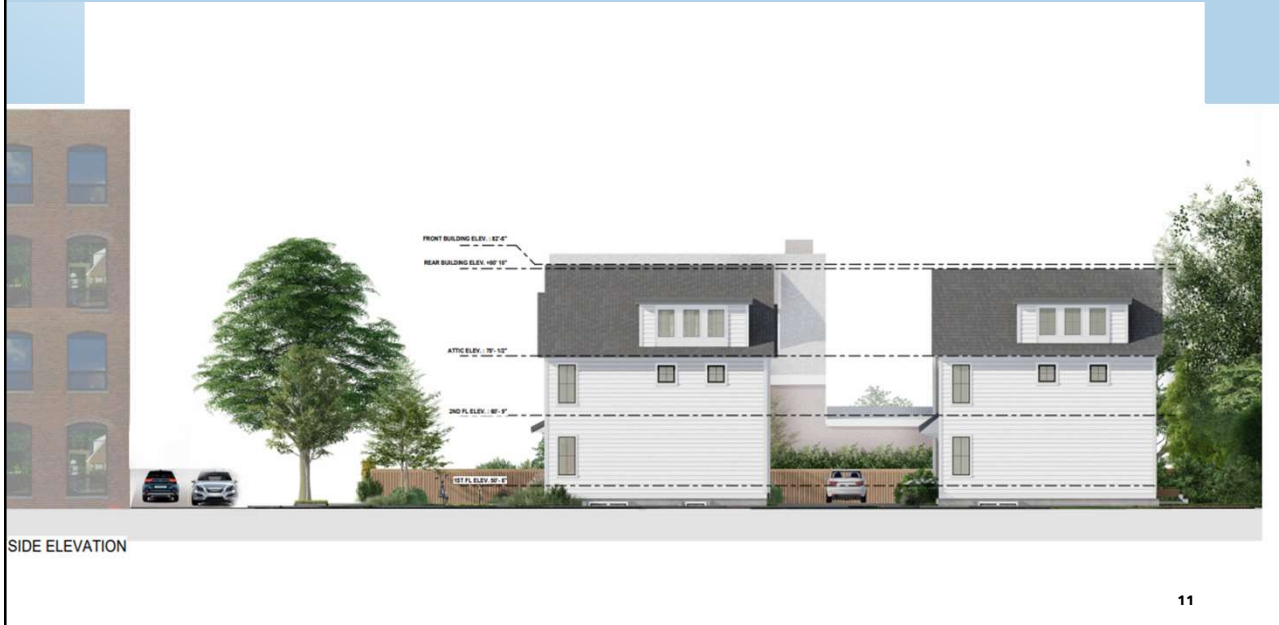
FRONT ELEVATION

# Elevations- Rear



REAR ELEVATION

# Elevations- Right/Southeast



11

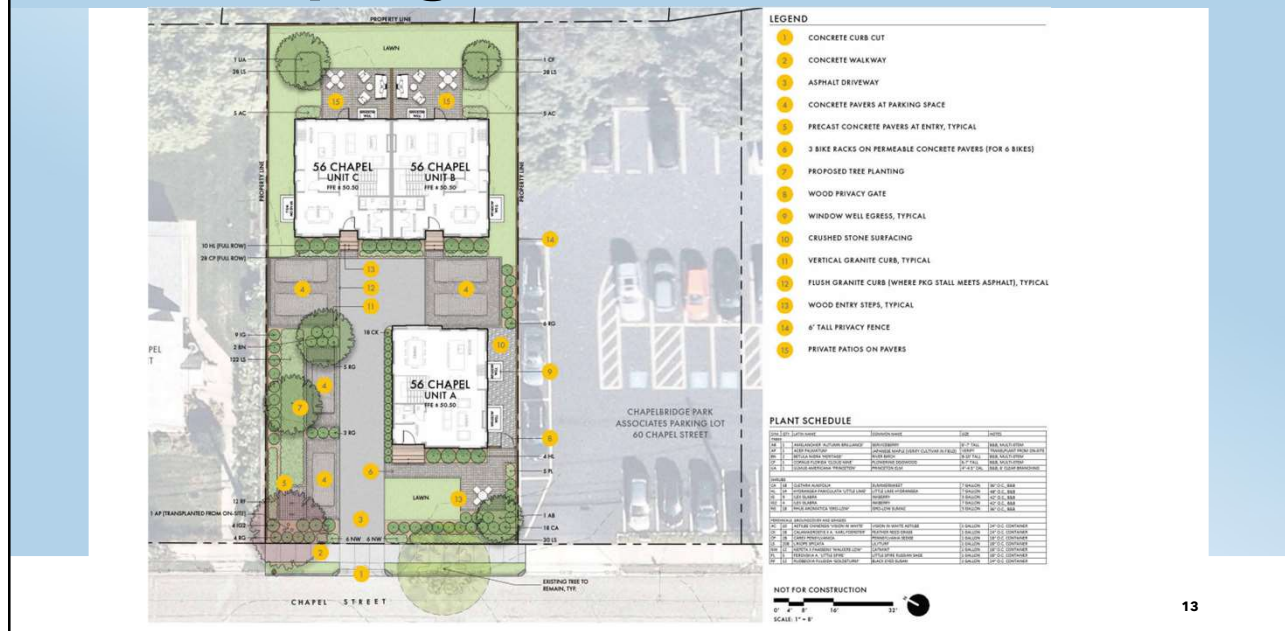
# Elevations- Left/Northwest



12



# Landscaping



13

# Findings

When reviewing this request, the Council should consider:

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).

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# Conditions

1. Plan referencing
  - A. Landscaping
2. Stormwater Operations and Maintenance Plan
3. Building permit conditions
  - a) Standard building permit conditions
  - b) Submission and approval of landscaping
4. Occupancy conditions
  - a) Standard occupancy conditions
  - b) Final landscaping plan approval
5. Landscaping consistency, maintenance, and replacement

# City of Newton Planning and Development

Petition: #160-24  
**Continuance**  
**Special Permit/Site Plan Approval**  
Retaining walls exceeding four feet and  
excessive Floor Area Ratio  
August 27, 2024



54-56 Indiana Terrace

## Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§5.4.2.B	Request to allow a retaining wall exceeding four feet within the side setback	S.P. per §7.3.3
§3.2.3 §3.2.10	Request to exceed FAR	S.P. per §7.3.3

# Background

## Project History:

- January 5, 2022: Newton Historical Commission Decision- No Demolition Delay Imposed
- April 29, 2023: Building Permit 22-5979 issued
- February 26, 2024: Special Permit application submitted requesting relief for Floor Area Ratio of 0.57 where 0.54 is the maximum
- April 2, 2024: original Public Hearing date
- July 15, 2024: revised materials submitted

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# Criteria to Consider

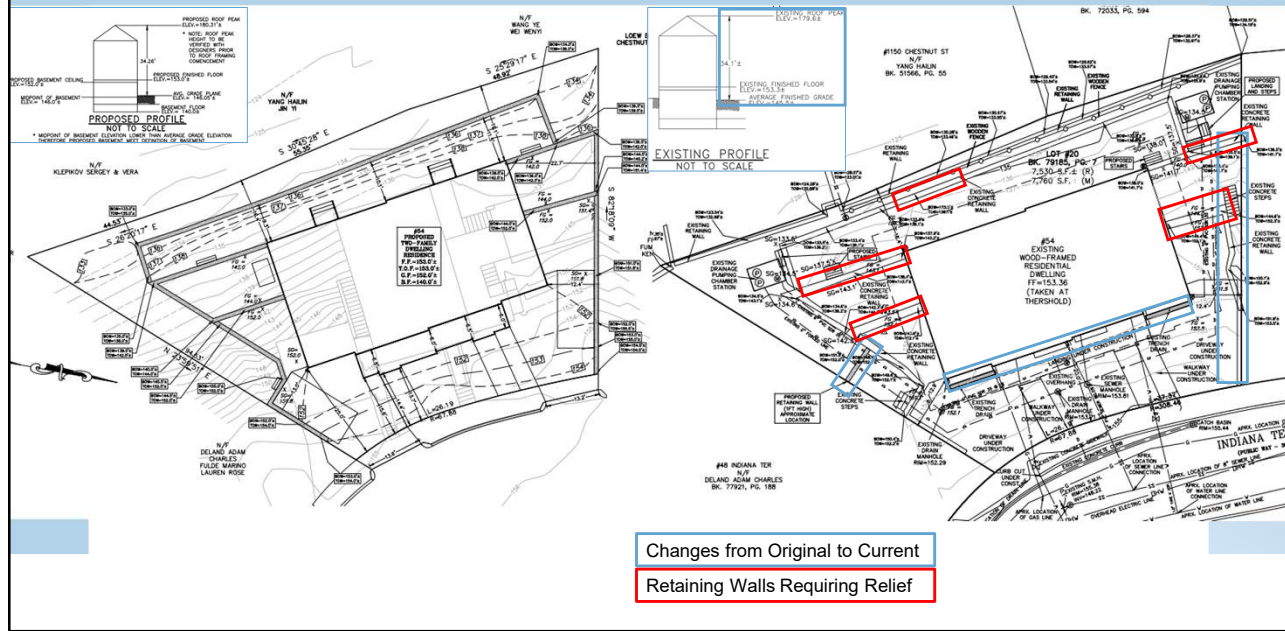
When reviewing this request, the Council should consider:

- The lot presents challenging topography which limits the use of the property, such that it could not be improved without the implementation of retaining walls exceeding four feet. (§5.4.2.C.1)
- The retaining walls exceeding four feet will not adversely impact adjacent property, the neighborhood, or the public. (§5.4.2.C.2)
- The retaining walls exceeding four feet is the minimum structure necessary to allow a subject property to be reasonably utilized. (§5.4.2.C.3)
- The proposed increase in 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)

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# Site Plan- Original Proposed and Current Proposed



Changes from Original to Current  
 Retaining Walls Requiring Relief

7

# Elevations- Front

Original Proposal



Current Proposal



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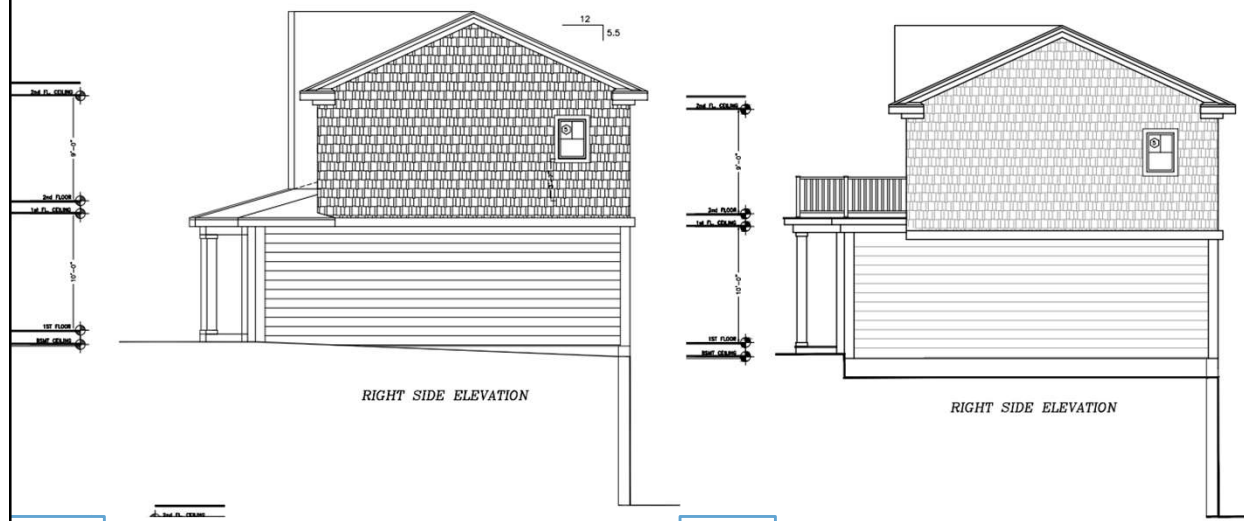
# Elevations- Rear



REAR ELEVATION  
Original/Current Proposal: No Change

9

# Elevations- Right/North

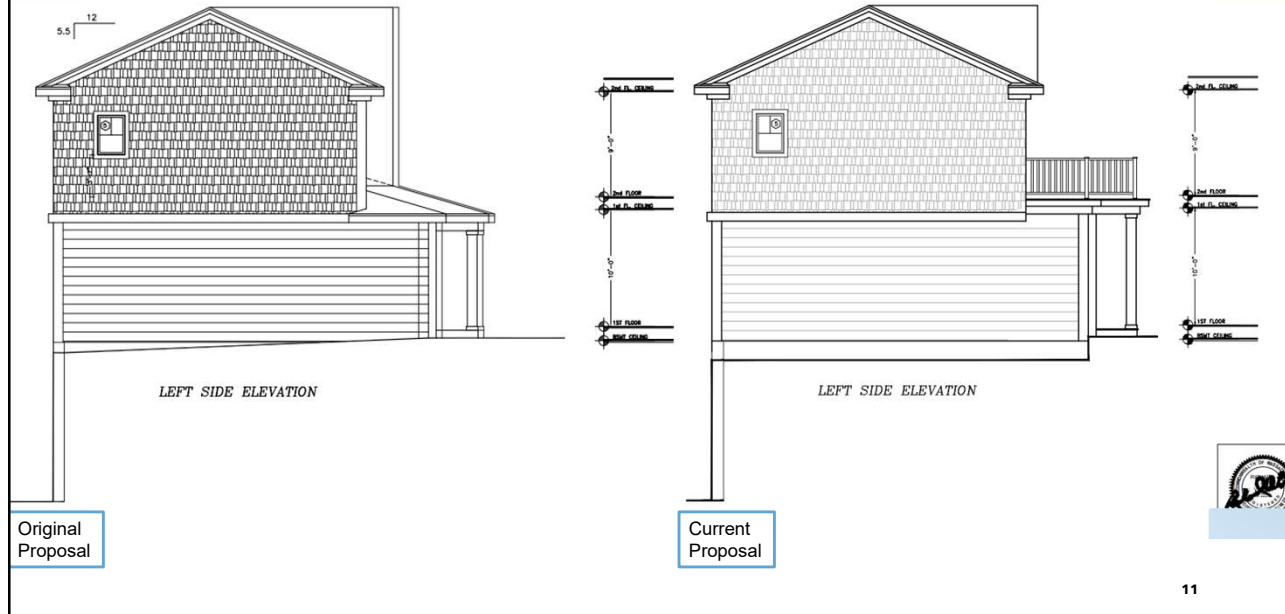


Original Proposal

Current Proposal

10

# Elevations- Left/South



11

# Findings

When reviewing this request, the Council should consider:

1. The lot presents challenging topography which limits the use of the property, such that it could not be improved without the implementation of retaining walls exceeding four feet as there is an approximately twenty-foot drop in elevation over the approximately 80 feet from the front to the rear lot lines. (§5.4.2.C.1)
2. The retaining walls exceeding four feet will not adversely impact adjacent property, the neighborhood, or the public as properly designed and constructed retaining walls can prevent any impacts of erosion or stormwater to adjacent properties. (§5.4.2.C.2)
3. The retaining walls exceeding four feet is the minimum structure necessary to allow a subject property to be reasonably utilized as there was insufficient level area present on the lot to support a building prior to the installation of retaining walls. (§5.4.2.C.3)
4. The proposed increase in nonconforming FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as the dwelling is in a neighborhood where small lots are present and the dwelling will appear as a two-story dwelling from the street. (§3.1.3, §3.1.9)

12

12



# Conditions

1. Plan referencing
2. Stormwater Operations and Maintenance Plan Approval by Engineering
3. Building permit conditions
  - a) Standard building permit conditions
  - b) Submission and approval of landscaping
4. Occupancy conditions
  - a) Standard occupancy conditions
  - b) Final landscaping plan approval
5. Landscaping consistency, maintenance, and replacement