



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: September 6, 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 #329-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to waive two parking stalls at 15-17 Playstead Road, Ward 1, Newton, on land known as Section 71 Block 37 Lot 05, containing approximately 5,101 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

APPLICATION RECORD: <https://newtonma.viewpointcloud.com/records/835499>

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.



15-17 Playstead Street

I. Project Description

Use –single-family

Zone – Multi-Residence 1

Lot size – 5,101 square feet

Existing Nonconformities –lot area and lot area per unit requirement for two-family use

Proposal- The petitioner is seeking to convert the existing single-car garage to living space, resulting in a requested waiver of two required parking stalls, where four is required for the two-family dwelling.

Analysis

The lot, undersized at 5,101 square feet and steeply graded, provides minimal opportunity for expansion without more special permit relief or potentially a variance. The proposal to convert the garage to living space minimizes the relief required compared to any external addition of living space. However, the proposed relief does not exempt the petitioners from complying with all parking regulations and if approved, the petitioners should be mindful of these regulations to ensure there is no obstruction of vehicles onto the sidewalk. Obstructing the sidewalk may result in parking citations and/or zoning violations. The petitioners and subsequent property owners must ensure that the sidewalk is always clear if the driveway is used to park vehicles in addition to the two assigned parking stalls.

Playstead Road is a horseshoe shaped street, with the subject property sited outside of the horseshoe. The City’s Traffic and Parking Regulations allow parking on the outside of the horseshoe in two-hour increments from 8:00 a.m. to 6:00 p.m., except by Newton Corner permit. The petitioner should address how they plan to handle parking with the elimination of two required parking stalls.

II. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.4 §5.1.13	Request to waive two parking stalls	S.P. per §7.3.3
	To amend Variance #7-95 to alter approved plans	Variance per §7.6

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

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

- The specific site is an appropriate location for waiving two required parking stalls. (§7.3.3.C.1)
- The conversion of garage to habitable space requiring a waiver for two parking stalls as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians created by the conversion of garage to habitable space requiring a waiver for two parking stalls. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved in the conversion of garage to habitable space requiring a waiver for two parking stalls. (§7.3.3.C.4)
- Literal compliance 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 see parking. (§5.1.13)

IV. Project Proposal and Site Characteristics

The proposed project consists entirely of internal work to convert the existing single-car garage space to living area, which eliminates two of the four required parking stalls for the property. The existing dwelling is a two-family dwelling on a 5,101 square foot lot which required a variance to comply with the minimum lot area per unit. The provided site plan shows that the driveway can only accommodate two nineteen feet long by nine feet wide stalls. With approximately 34.5 feet in length and just over eighteen feet in width, there is no room within the existing driveway for additional parking stalls. Additionally, at the end of the driveway there is an approximately six-foot retaining wall. An expansion of the driveway would require altering the retaining wall and may require additional zoning relief.

The site is steeply graded, with an increase of about sixteen feet diagonally across the lot from the front left or west corner to the rear right or east corner of the lot. There are several large existing retaining walls on the site, including the rear retaining wall which reaches 8.4 feet. With the grade and undersized total lot area of 5,101 square feet, any expansion of living area would present challenges in terms of compliance with setbacks, floor area ratio, and applicable zoning dimensional standards.

Playstead Road is a horseshoe shaped street, which is reflected in the City's Traffic and Parking Regulations. The City's Traffic and Parking Regulations prohibits parking inside of the horseshoe on Playstead Road on all days. Outside of the horseshoe, where the subject property is sited, parking is allowed in two-hour increments from 8:00 a.m. to 6:00 p.m., except by Newton Corner permit. The petitioner should address how they plan to handle parking with the elimination of two required parking stalls.

I. Interdepartmental Review

No departmental review is required.

II. Petitioner's Responsibilities

The petition is complete.

ATTACHMENTS:

ATTACHMENT A: Zoning Review Memorandum

ATTACHMENT B: DRAFT Council Order



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 15, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Yanting and Zhen Sun, Applicants
Robert Pellegrini, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: **Request to amend Variance #7-95 and to waive two parking stalls**

Applicant: Yanting and Zhen Sun	
Site: 15-17 Playstead Road	SBL: 71037 0005
Zoning: MR1	Lot Area: 5,101 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 15-17 Playstead Road consists of a 5,101 square foot lot improved with a two-family dwelling constructed in 1951. The dwelling was granted Variance #7-95 waiving the lot area and lot area per unit requirement to legalize the prior conversion from a single into a two-family dwelling. The petitioner seeks to convert the existing single-car garage into living space for one of the units, eliminating the required parking stall it provides. The proposed construction requires an amendment to the variance and a special permit to waive two parking stalls.

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

- Zoning Review Application, prepared Robert Pellegrini, attorney, dated June 18, 2024
- Variance #7-95
- Plan of Land Existing Conditions, signed and stamped by Bruce Bradford, dated 6/5/2024
- Plan of Land Proposed Conditions, signed and stamped by Bruce Bradford, dated 5/6/2024, revised 6/18/2024
- Proposed Basement Plan, prepared by T Design LLC, dated 6/2/2024

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to convert the existing basement level one car garage into additional habitable space, eliminating the parking for one vehicle. Per section 5.1.4, two parking stalls are required per each dwelling unit, resulting in a requirement of four parking stalls for the two units. The driveway is approximately 34 feet deep and 21 feet wide, accommodating only two dimensionally-compliant parking stalls (9 feet by 19 feet) per section 5.1.7. The petitioner seeks a waiver of two stalls per section 5.1.13.
2. Variance #7-95 was granted to legalize a prior owner’s conversion of the dwelling from a single- to a two-family use. While the use is allowed in the MR1 district, the lot is undersized and required a variance from the lot area per unit (the variance also granted relief from the total lot area. As the lot already existed and was improved, this relief was not necessary. Condition #1 requires that “the two-family dwelling be maintained consistent with the submitted plans”. The petitioner requires an amendment of Variance #7-95 to alter the approved plans.

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.4		
§5.1.13	Request to waive two parking stalls	S.P. per §7.3.3
	To amend Variance #7-95 to alter approved plans	Variance per §7.6

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 the conversion of an internal garage to living space, requiring a waiver of two parking stalls for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for the conversion of garage to habitable space requiring a waiver for two parking stalls as the undersized lot presents significant limitations to adding habitable space or parking stalls. (§7.3.3.C.1)
2. The conversion of garage to habitable space requiring a waiver for two parking as developed and operated will not adversely affect the neighborhood as the site is removed from commercial corridors and high-traffic streets. Further, while there is not enough driveway length to incorporate four standard parking stalls, there is 34.3 feet of driveway length which is sufficient for two vehicles of above average length to park in tandem on each side of the driveway without blocking the sidewalk. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the conversion of garage to habitable space requiring a waiver for two parking stalls because there is not enough driveway length to incorporate four standard parking stalls, there is 34.3 feet of driveway length which is sufficient for two vehicles of above average length to park in tandem on each side of the driveway without blocking the sidewalk or parking at the curb in front of the house where there is a significant curve. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in the conversion of garage to habitable space requiring a waiver for two parking stalls as the proposed scope of work is minimal and internal. (§7.3.3.C.4)
5. Literal compliance 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 as the lot is undersized at 5,101 square feet and features a steep grade that makes expanding the driveway impractical and expanding the existing two-family dwelling otherwise would require additional zoning relief. (§5.1.13)

PETITION NUMBER: #329-24

PETITIONER: Yanting and Zhen Sun

LOCATION: 15-17 Playstead Street

OWNER: Yanting and Zhen Sun

ADDRESS OF OWNER: 15-17 Playstead Street
Newton, MA 02458

TO BE USED FOR: Two-family attached

RELIEF GRANTED: Special Permit per §5.1.4, §5.1.13, and §7.3.3 to waive two parking stalls

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 June 18, 2024.
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 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.