



Setti D. Warren
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


James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 5, 2015
Land Use Action Date: May 19, 2015
Board of Aldermen Action Date: July 13, 2015
90-Day Expiration Date: August 4, 2015

DATE: May 1, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner 

SUBJECT: **Petition #78-15**, BETH KIRSCH, for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow more than three customers or pupils in a home business and to waive one parking stall associated with the proposed business at 27 WALDORF ROAD, Ward 5, on land known as SBL 54, 46, 8, containing approx. 4,883 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: §30-24, 30-23, 30-8(c)(4), (c)(11)(c) and (e), 30-8(c) and (c)(9) of the City of Newton Rev. Zoning Ord., 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. 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 Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



27 Waldorf Road

EXECUTIVE SUMMARY

The property at 27 Waldorf Road consists of a 4,883 square foot lot, and is improved with a single-family residence constructed in 1913. The petitioner is looking to establish a home business that involves the making of chocolate and the occasional chocolate-making classes. In order to operate a home business with more than three customers or pupils, the petitioner is seeking a special permit. The petitioner is also seeking a waiver of the one parking stall required for the home business.

The Planning Department has no particular concerns with the creation of a home business on this site, as the footprint of the dwelling will not be expanding to accommodate the home business and the owner intends to only occasionally conduct classes on the site. The Planning Department is also supportive of waiving the one required parking stall, since the surrounding neighborhood is densely developed and an additional at-grade parking stall on the site would be out of character with the surrounding development patterns. Waldorf Road is, however, a narrow right-of-way and has limited parking capacity. As such, the Planning Department encourages the petitioner to consider limiting the number of customers or pupils at any given time to a maximum of eight people, and to limit the number of times per month that classes are held. The Planning Department further suggests that the petitioner develop a parking demand management plan to minimize congestion and ensure a more efficient use of limited on-street parking resources in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The site is an appropriate location for a home business with more than three customers or pupils on the site at any one time. (§30-8(c)(4) and (11)(c), and §30-24(d)(1))
- The proposed home business use as developed and operated will not adversely affect the neighborhood (§30-24(d)(2))
- The waiver of one parking stall for the proposed home business will not create a nuisance or serious hazard to vehicles or pedestrians in the surrounding neighborhood. (§30-8(c)(9) and (11)(e), and §30-24(d)(2))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Waldorf Road near the intersection of Waldorf Road and Canterbury Road, and is proximate to the Massachusetts Bay Transportation Authority's Eliot Station for the Green line. The subject property is surrounded by parcels containing other single- and multi-family residential uses (**ATTACHMENT A**). The site and properties on the northern side of Waldorf Road are zoned Single

Residence 2, while the properties located to the south of Waldorf Road are zoned Multi-Residence 1 (**ATTACHMENT B**).

B. Site

The property contains approximately 4,883 square feet of land, and is improved with a single-family residence constructed in 1913. The site has vehicular access via bituminous driveway off of Waldorf Road, which is located to the east (right) of the dwelling. The remaining portions of the property consist of lawn, landscaped beds, and a small utility shed. The site is partially screened with existing vegetation on the site and adjacent properties.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The site will remain a single-family residence use. The petitioner is, however, seeking to allow a home business involving the making of chocolate and the occasional chocolate-making classes. According to the petitioner, the chocolate-making classes will typically have three to six people, with the occasional class of up to 12 people. The classes will be held once or twice a month on weekends, but may also be held during the week if requested. The Newton Zoning Ordinance (NZO) allows by right a home business with no more than three customers or pupils at any one time; however, the petitioner is seeking to exceed the maximum allowable number of customers or pupils at any one time.

The Planning Department has no particular concerns with the creation of a home business on this site, as the footprint of the dwelling is not changing. The Planning Department is concerned about the limited number of parking stalls on the site and along Waldorf Road. Thus, the Planning Department encourages the petitioner to consider limiting the number of customers or pupils at any given time to a maximum of eight people, and to limit the number of times per month that classes are held.

B. Building and Site Design

The petitioner is not proposing to make any changes to the existing dwelling or the existing conditions of the site.

C. Parking and Circulation

The petitioner currently has parking for two vehicles in the existing driveway, which complies with the parking requirement for the single dwelling unit. According to §30-8(c)(9), the petitioner is further required to provide one parking stall for every 200 square feet of floor area used for the home business, which may be reduced if the total number of required parking stalls exceeds one



Existing Driveway

stall. Since the home business will have 350 square feet of dedicated floor area the required number of parking stalls for the business is two, but is reduced to one stall. The petitioner is requesting a waiver of the one required parking stall, as it is not possible to create another dimensionally compliant parking stall on-site without altering the residential character of the site or impacting the surrounding neighborhood.

The Planning Department is supportive of waiving the one required parking stall, as the creation of additional on-site parking stalls may negatively impact the surrounding neighborhood. The Planning Department notes, however, that Waldorf Road is a narrow right-of-way resulting in limited parking capacity, and has restricted on-street parking with a 2-hour limit. Thus, the Planning Department encourages the petitioner to consider limiting the number of customers or pupils at any given time to a maximum of eight persons. The Planning Department further suggests that the petitioner develop a parking demand management plan to minimize congestion and ensure a more efficient use of limited on-street parking resources in the neighborhood.



View of Waldorf Road

D. Landscape Screening

The petitioner did not submit a landscape plan, as there are no changes to the site proposed. The Planning Department believes the existing vegetation on the site is adequate should this request be approved.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provided an analysis of the proposal with regard to zoning (**Attachment C**). Based on this memorandum, the petitioner is seeking the following reliefs:

- §30-8(c)(4) and §30-8(c)(11)(c), to allow more than three customers or pupils in a home business.
- §30-8(c)(9) and §30(c)(11)(e), to waive the requirement for one parking stall associated with a home business.

B. Engineering Review

The project does not require review by the Engineering Division of Public Works.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time. The petitioner should consider the

comments and suggestions put forth by the Planning Department.

ATTACHMENTS:

- ATTACHMENT A:** Land Use Map
- ATTACHMENT B:** Zoning Map
- ATTACHMENT C:** Zoning Review Memorandum, dated February 24, 2015








Land Use Map 27 Waldorf Road

*City of Newton,
Massachusetts*

ATTACHMENT A

Legend

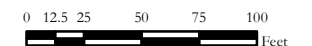
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Vacant Land
-  Property Boundaries
-  Building Outlines

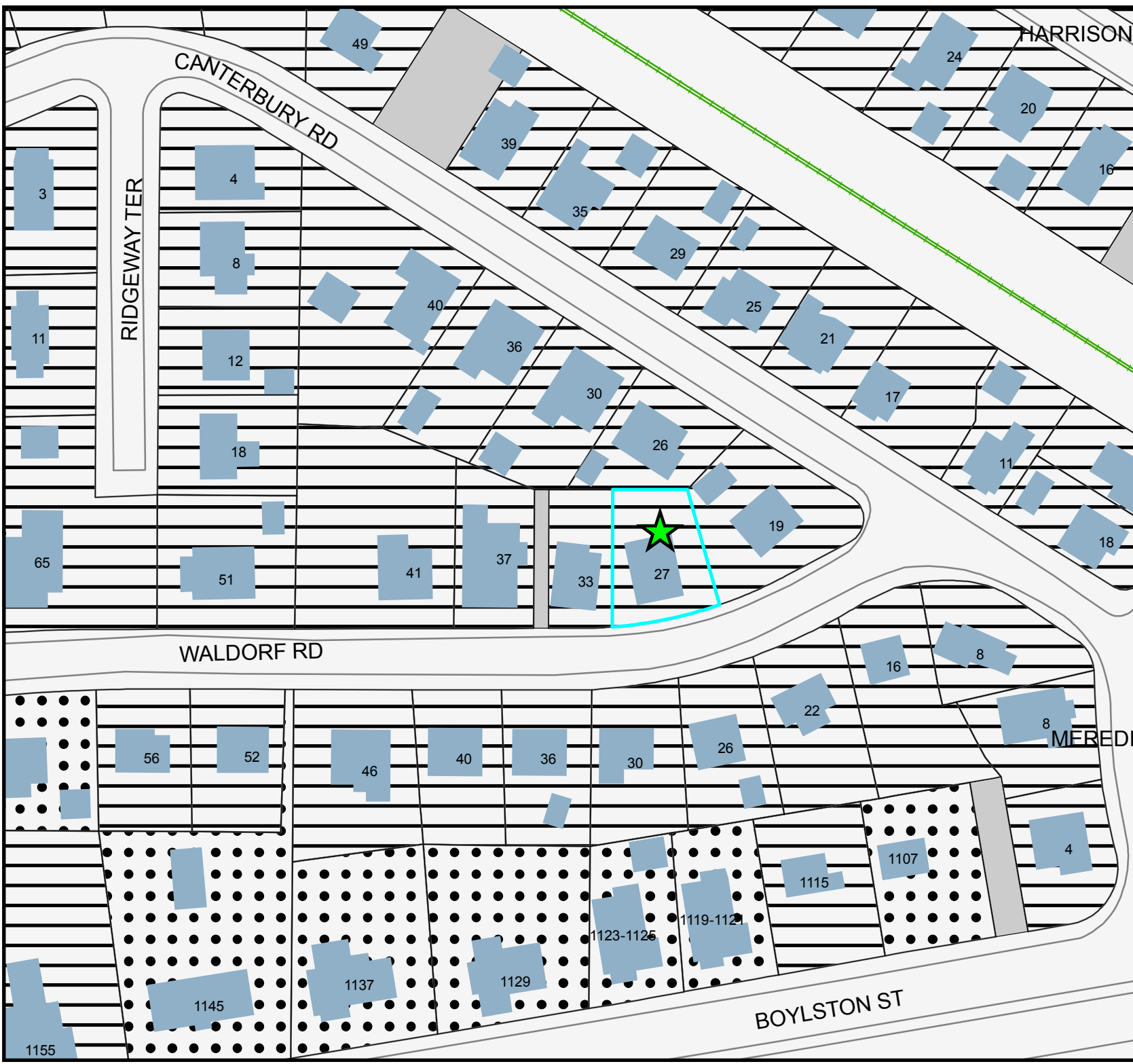


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: April 23, 2015







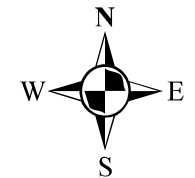
Zoning Map 27 Waldorf Road

*City of Newton,
Massachusetts*

ATTACHMENT B

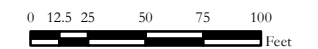
Legend

-  Single Residence 2
-  Multi-Residence 1
-  Property Boundaries
-  Building Outlines

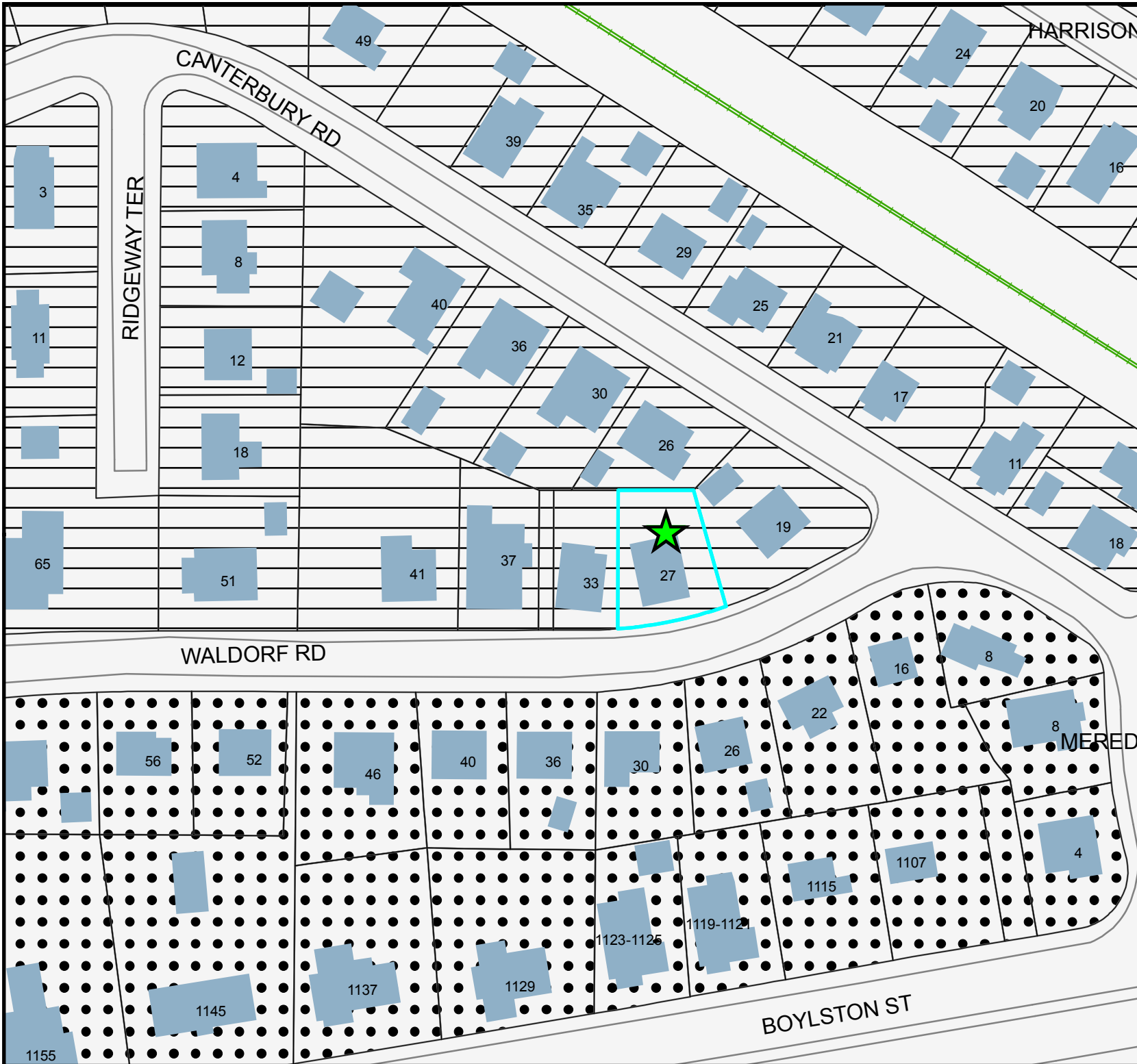


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: April 23, 2015





Setti D. Warren
Mayor

ATTACHMENT C

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

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: February 24, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Beth Kirsch, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow a home occupation with more than three customers occasionally, and a waiver of one parking stall associated with the home business

Applicant: Beth Kirsch	
Site: 27 Waldorf Road	SBL: 54046 0008
Zoning: SR2	Lot Area: 4,883 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with home occupation

BACKGROUND:

The property at 27 Waldorf Road consists of a 4,883 square foot lot improved with a single-family residence constructed in 1913. The owner of the property is proposing a home business making chocolates and teaching classes on chocolate making on the premises. While the chocolate-making business is by-right and falls within the Section 30-8(c) which regulate home businesses, the applicant is requesting a special permit to allow for more than three customers so as to hold classes on the premises.

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

- Zoning Review Application, prepared by Beth Kirsch, submitted 1/8/2015
- Plot plan, signed and stamped by Clifford E. Rober, surveyor, dated 5/23/2001
- Zoning determination letter, signed by John Lojek, Commissioner of Inspectional Services and Jane Santosuosso, Chief Zoning Code Official, dated 1/6/2015

ADMINISTRATIVE DETERMINATIONS:

1. Section 30-8(c) allows a single home business per dwelling unit, with conditions.
2. Pursuant to Section 30-8(c)(1), the home business must be clearly incidental to the residential use, and will not change the residential character. The applicant intends to make chocolates, and hold classes within the dwelling's existing kitchen.
3. The total area of the dwelling unit utilized for the home business cannot exceed 30% of the ground floor area of the dwelling unit per Section 30-8(c)(2). The dwelling is approximately 2,300 square feet, according to the Assessor's database, which allows for approximately 350 square feet of space dedicated for use by the home business. Building permits show the kitchen has 208 square feet.
4. Not more than one non-resident may be employed by the business per Section 30-8(c)(3). The applicant does not intend to have any non-resident employees.
5. Section 30-8(c)(4) states that there may be no more than three customers or pupils for business or instruction present at any time. The applicant would occasionally like to hold chocolate-making classes within her home as part of her business. The application states that classes will generally have four to six students, but a few times per year may have up to twelve. Section 30-8(c)(11)c states that the Board may grant a special permit to allow for more than three customers or pupils to be present at one time.
6. Pursuant to Section 30-8(c)(5), there may be no on-premises storage of merchandise for sale, except where the merchandise for sale is produced entirely on-site. The applicant intends to produce her merchandise entirely on site.
7. There may be no exterior display or storage of merchandise, and no exterior indication of the business other than one non-illuminated sign no greater than one square foot per Section 30-8(c)(6). The applicant does not intend to display merchandise or have a sign.
8. There may be no retail or wholesale sale of merchandise on the premises per Section 30-8(c)(7).
9. The home business may not be disruptive to the neighborhood pursuant to Section 30-8(c)(8).
10. Pursuant to Section 30-19(d)(2), two parking spaces are required for the single-family residential use of the premises. Section 30-8(c)(9) requires an additional parking stall per each 200 square feet used by the home business. The applicant may use up to 350 square feet for the business, thus requiring two parking stalls. The provision states that the total number of stalls may be reduced by one if the more than one is required. Thus, the applicant requires one parking stall for the home business.

There is enough room in the driveway for two cars. A waiver of one parking stall is required pursuant to Section 30-8(c)(11)e).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	4,883 square feet	No change
Frontage	80 feet	70 feet	No change
Setbacks for existing structure			
• Front	25 feet	11.5 feet	No change
• Side	7.5 feet	14.8 feet	No change
• Rear	15 feet	32.5 feet	No change
Max. Lot Coverage	30%	23.8%	No change
Open Space	50%	66.9%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-8(c)(4), §30-8(c)(11)c)	Allow more than three customers or pupils in a home business	S.P. per §30-24
§30-8(c)(9), §30-8(c)(11)e)	Waive the requirement for one parking stall associated with a home occupation	S.P. per §30-24