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Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: August 13, 2013
Land Use Action Date: October 15, 2013
Board of Aldermen Action Date: October 21, 2013
90-Day Expiration Date: November 11, 2013

DATE: August 9, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner

SUBJECT: **Petition #234-13**, PETER G. SMICK, for a SPECIAL PERMIT/SITE PLAN APPROVAL to widen an existing driveway to allow side-by-side parking for two cars in the front setback including the removal of an existing retaining wall at 48 SUMMIT STREET, Ward 1, Newton, on land known as SBL 12, 21, 28, containing approximately 5,010 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m) 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.



48 Summit Street

EXECUTIVE SUMMARY

The property located at 48 Summit Street consists of a 5,010 square foot lot improved with a 2-story single-family residence, which was constructed in approximately 1937. The petitioner is proposing to widen an existing below-grade driveway on the north side of the lot, to accommodate the creation of a second below-grade outdoor parking stall. In order to develop the second parking stall, the petitioner is proposing to remove an existing retaining wall and planting bed to the left of the existing driveway, along the north eastern side property line. As proposed, the new parking stall will be located in the side yard setback and both parking stalls (including the existing parking stall) will be located in the front yard setback for the lot.

The Newton Department of Planning and Development has no particular concerns with this petition, as long as the runoff from the site is sufficiently infiltrated on site.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The creation of a second parking stall in the side and front yard setback as to size, width, depth, shape or grade of the lot makes the creation of a second parking stall outside of the setbacks in practicable, or that such exceptions would be in the public interest of safety or protection of environmental features.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located along Summit Street near the intersection with Weldon Road. The house is surrounded by other single-family residences to the north, west and south. To the east, a number of parcels have been developed as condominiums and multifamily residences. The property is located in an area zoned Single Residence 2.

B. Site

The property consists of 5,010 square feet of land and is improved with a 2-story single-family residence and attached garage. The attached below-grade garage is accessed by a bituminous below-grade driveway on the northwestern side of the site.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain a single-family residence.

B. Building and Site Design

The petitioner's proposed driveway expansion will enlarge the existing bituminous driveway to accommodate the parking of two cars side by side. If approved, the proposed driveway will be expanded by approximately 200 square feet. The proposed driveway will be visible from Summit Street. The driveway will be screened from the view of abutting properties because it will be constructed partially below-grade. Additionally, a fence located on 40-42 Summit Street will block views of the driveway from the northeast.

The proposed driveway expansion will decrease the open space and increase the lot coverage. In either case, the proposed driveway will not create or increase nonconformities with respect to the lot coverage and open space requirements of the City of Newton Zoning Ordinance.

The Newton Department of Planning and Development has no particular concerns with this petition, as long as the runoff from the site is sufficiently infiltrated on site.

C. Parking and Circulation

The proposed development will alter the parking configuration for the property. The current parking configuration of an attached one-car garage, which is usable but presently is used for storage of motorcycles and lawn equipment, and a stacked one-car outdoor parking stall in the driveway, which will be enlarged to accommodate two side-by-side outdoor parking stalls.

Per this new configuration, the new parking stall will be located in the minimum 7½-foot side yard setback and both outdoor parking stalls (including the existing parking stall) will be located in the minimum 25-foot front yard setback. Additionally, the new parking stall will be located within the minimum five-foot setback of parking stalls from the street.

D. Landscape Screening

No landscape plan was required for this petition. Since the driveway is being constructed partially below-grade and the adjacent properties have fences to screen views of the proposed driveway expansion, the site appears adequately screened.

- A. Technical Considerations (Chapter 30, Newton Zoning Ordinance): The Zoning Review Memorandum (**ATTACHMENT A**) provides an analysis of the proposal with regard to zoning. The petitioner is requesting a Special Permit/Site Plan Approval to allow a driveway expansion that will locate a new parking stall within the side yard setback and two outdoor parking stalls within the front yard setback, one of which will be located within the five foot setback parking stalls from the street.
- B. Engineering Review: The Associate City Engineer, submitted an Engineering Review Memorandum (**ATTACHMENT B**), providing an analysis of the proposal with regard to engineering issues. According to the memorandum, the Engineering Division has some concerns regarding how runoff from the expanded driveway and water from behind the retaining wall will be infiltrated on site. The petitioner will be required to comply with all the recommendations put forth in the memorandum prior to issuance of a Building Permit.

IV. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- Section 30-19(g)(1), to allow more than one parking stall in the front and side yard setbacks.
- Section 30-19(m) to grant exceptions to the provisions of Section 30-19(g)(1).

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

Attachment A: Zoning Review Memorandum
Attachment B: Engineering Review Memorandum
Attachment C: Zoning Map
Attachment D: Land Use Map



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Mayor

Attachment A

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: June 25, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Peter Smick
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to add a parking stall in the front setback at a single-family residence

Applicant: Peter Smick	
Site: 48 Summit Street	SBL: 12021 0028
Zoning: SR2	Lot Area: 5,010 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 48 Summit Street consists of a 5,010 square foot lot improved with a single-family residence constructed in approximately 1937. The property has a single-car driveway leading to a one-car garage located within the basement level of the structure. The applicant proposes to widen the driveway to allow side-by-side parking for two cars by removing a retaining wall and planting bed located along the side property line.

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

- Zoning Review Application, prepared by Peter Smick, submitted 5/28/13
- Topographic Site Plan, signed and stamped by Joseph Porter, Surveyor, dated 5/23/13
- Area Plan, signed and stamped by Joseph Porter, Surveyor, dated 5/23/13

ADMINISTRATIVE DETERMINATIONS:

1. The dwelling is located 25.2 feet from the property line. The front setback requirement in this district is 25 feet. Section 30-19(g)(1) states that only one parking stall may be located within a side or front setback. To build the project as proposed, both spaces (including the existing space) will

be in the front setback. A special permit will be required to allow for a parking stall within the front setback per Section 30-19(m).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	5,010 square feet	No change
Frontage	80 feet	142.58 feet	No change
Setbacks for existing structure			
• Front	25 feet	25.2 feet	No change
• Side	7.5 feet	15.5 feet on right 8.4 feet on left	No change No change
• Rear	15 feet	22.7 feet	No change
Max. Lot Coverage	30%	17.8%	22%
Open Space	50%	75.3%	71.5%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-19(g)(1) 30-19(m)	Allow more than one parking stall in the front and side setback	S.P. per §30-24

**CITY OF NEWTON
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – #48 Summit Street

Date: July 18, 2013

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Chief Planner
Katy Holmes, Sr. Planner
Daniel Sexton, Planner

In reference to the above site, I have the following comments for a plan entitled:

*Topographic Site Plan
Newton, MA
Showing Proposed Conditions at
#48 Summit Street
Prepared by: VTP Associates, Inc.
Dated: May 23, 2013*

Executive Summary:

The plan indicates that the driveway will be expanded via a new retaining wall between 2- 3 feet high that is within the side yard setback. Runoff from the driveway and from water behind the retaining wall should be captured and infiltrated on site. This is important specifically during the spring season when we experience freeze & thaw cycles and icing occurs downhill of this property.

Summit Street was just paved this month, the contractor of record needs to exercise good judgment in moving of construction equipment, getting deliveries, and handling of materials; any pavement damaged as a result of this on site construction will be corrected by the contractor of record.

Construction details of the proposed retaining wall are needed.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the project. The design of the proposed on site drainage system needs to comply with the MassDEP Stormwater Regulations and City Ordinances.
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the Homeowners Association.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The applicant will have to apply for Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
4. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
5. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*

6. If a Certificate of Occupancy is requested prior to all site work being completed.
This note must be incorporated onto the site plan.

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

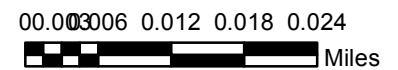
234-13 Zoning Map 48 Summit Street

*City of Newton,
Massachusetts*

ATTACHMENT C

Legend

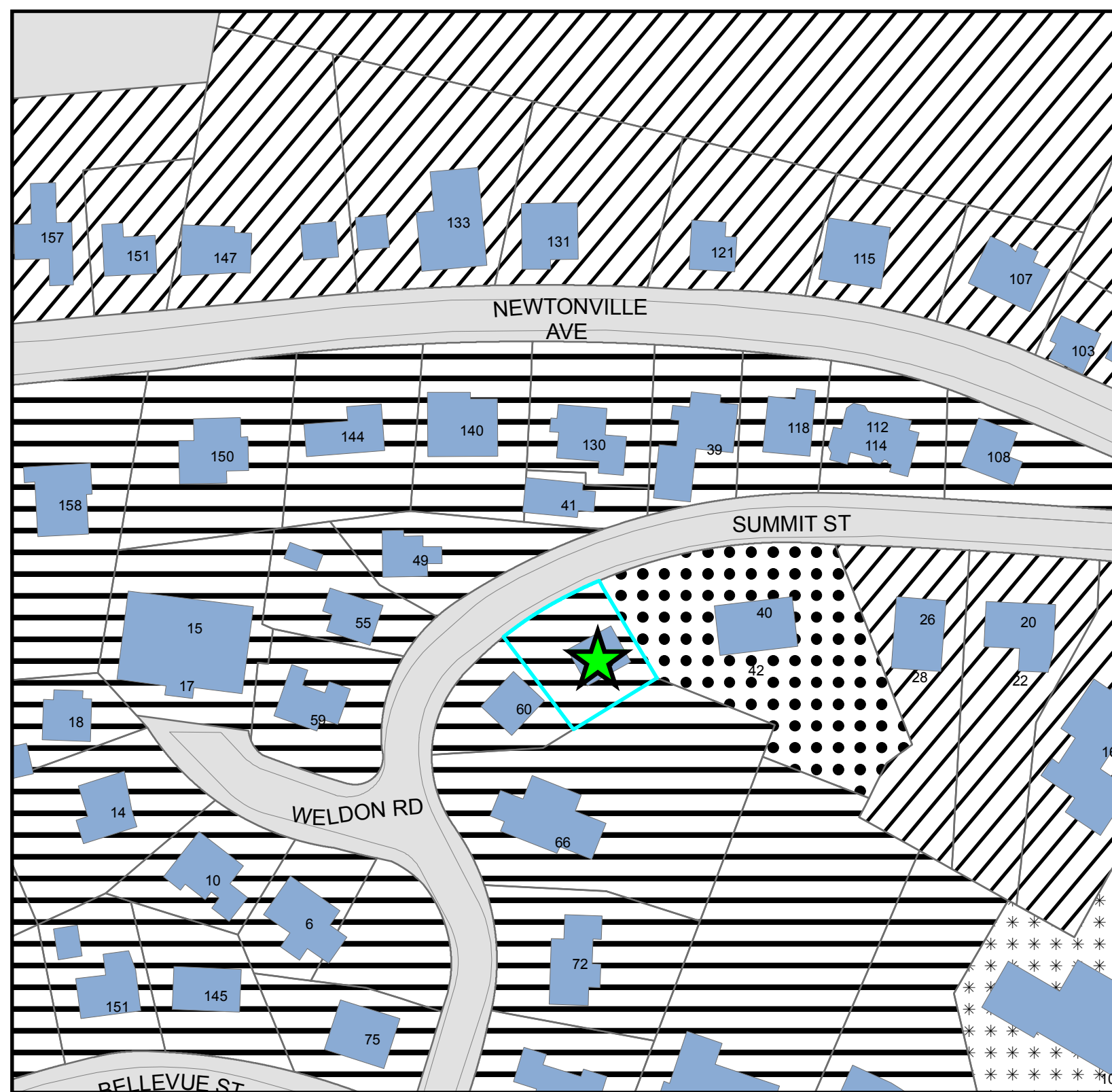
- Streets - Pavement Edge
- Single Residence 1
- Single Residence 2
- Single Residence 3
- Multi-Residence 1
- Building Outlines
- Property Boundaries



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: July 25, 2013



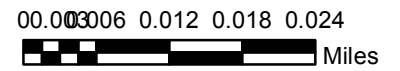
234-13 Land Use Map 48 Summit Street

*City of Newton,
Massachusetts*

Legend

- Streets - Pavement Edge
- Land Use**
- Single Family Residential
- Multi-Family Residential
- Nonprofit Organizations
- Vacant Land
- Building Outlines
- Property Boundaries

ATTACHMENT D



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