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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 25, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Michael Lundberg, President, Nicore Construction Corp
Terrence P. Morris, Attorney
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: **Request to amend Special Permits #273-14(2) and 40-07(3)**

Applicant: Nicore Construction Corp	
Site: 5-7 Elm Street and 11-19 Elm Street	SBL: 33023 0009 and 33023 0016
Zoning: MR2 and MR1	Lot Area: 26,320 square feet (5-7 Elm St)
Current use: Attached dwellings	Proposed use: No change

BACKGROUND:

The petitioner received a special permit in 2015 to construct four attached dwelling units on two merged parcels. Although the site was serviced by several existing curb cuts, the petitioner proposed to provide access to the property by an easement over the existing driveway of the adjacent parcel at 11-19 Elm Street, another attached dwelling project approved in 2007 under common ownership. At the time, none of the units at 11-19 Elm Street had been sold or occupied. The units are now all occupied, with two units owned by families with young children for whom the vehicular traffic activity to 5-7 Elm Street over the access easement creates a safety concern. As such, the petitioner requests amendments to both special permits to allow for a separate driveway to be constructed to serve the units at 5-7 Elm Street.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, dated 1/2/2018
- Site Survey, signed and stamped by Joseph R. Porter, surveyor and Marc Besio, engineer, dated 6/6/2014, revised 11/18/2014, 11/28/2014, 1/27/2017, 5/5/2017, 12/19/2017
- Zoning Plan, signed and stamped by Joseph R. Porter, surveyor and Marc Besio, engineer, dated 6/6/2014, revised 11/18/2014, 11/28/2014, 1/27/2017, 5/5/2017, 12/19/2017
- Amended Easement Plan, prepared by VTP Associates, dated 12/15/2017

- Special Permit #273-14(2), dated 2/17/2015
- Special Permit #40-07(3), dated 2/17/2015

ADMINISTRATIVE DETERMINATIONS:

1. Special Permit #273-14(2) authorized the construction of four attached dwelling units, as well as for a driveway in the side setback. The special permit allowed for the project site to gain its access via an easement from the adjacent parcel’s existing driveway, so as to minimize paving and maximize open space. This easement also required an amendment to the special permit for 11-19 Elm Street (Order #40-07(3)), to allow for a modification to the site plan and increased vehicular traffic. Due to safety concerns for children now living in the units at 11-19 Elm Street, the petitioner requests an amendment to the existing special permits and site plans for both properties to eliminate the access easement on the existing driveway at 11-19 Elm to utilize an existing curb cut servicing 5-7 Elm Street to create a separate driveway for those units.
 2. The petitioner received relief to allow for a driveway in the side setback in Special Permit #273-14(2), as the driveway coming from the adjacent parcel passed over the property line, citing the former section 30-9(b)(5)(a), now found in section 6.2.B.2. The relief required is the same, but the configuration is changing. To the extent that the new driveway configuration requires relief again, a special permit per section 6.2.B.2 is required.
1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Request to amend Special Permits #273-14(2) and 40-07(3)	
§6.2.B.2	Request to allow parking in a side setback	S.P. per §7.3.3