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Mayor

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James Freas  
Acting Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: November 18, 2014  
Land Use Action Date: December 2, 2014  
Board of Aldermen Action Date: December 15, 2014  
90-Day Expiration Date: February 2, 2015

DATE: November 14, 2014

TO: Board of Aldermen

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

SUBJECT: **Petition #260-14**, HENRY J. & DENISE S. DELICATA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create two tandem parking stalls within the front and side setbacks (on the right side) of an existing two-family dwelling at **358-360 Nevada Street**, Ward 1, on land known as SBL 14, 16, 44, containing approx. 7,140 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-19(g)(1) and (2), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

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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.



**358-360 Nevada Street**

### **EXECUTIVE SUMMARY**

The property at 358-360 Nevada Street consists of a 7,140 square foot lot in a Multi Residence 1 zoning district, improved with a two-story, two-family residence. There are currently two side-by-side parking stalls in front of the dwelling. The petitioner is requesting a special permit to allow an additional two tandem parking stalls on the southeastern side of the dwelling in the front and side setbacks, resulting in four stalls in the front setback and two stalls in the side setback. The petitioner is also requesting a special permit to allow the new tandem parking stalls to be nine feet by eighteen feet, instead of the required nine feet by nineteen feet.

The site is the last property on a dead end private way adjacent to Pellegrini Park. Due to the slope of the site where the new parking stalls are proposed, the construction of the stalls will require some modest cutting and filling of the grade in order to create level stalls. The re-grading will require a short retaining wall of three feet or less along the side property line. The surface of the parking stalls will consist of pavers.

The Planning Department does not have any concerns with this project, as the site is on a private way with only four other residences, and the proposed stalls are not adjacent to a residential property. The petitioner has indicated that the surface of the parking stalls will be graded to slope down from the street towards the rear of the property, so that runoff will flow away from the private way and the adjacent park. The proposed stalls will allow the petitioner to park vehicles for both units on the site.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

When reviewing this request, the Board should consider whether:

- The installation of the proposed parking stalls in the front and side setback, and the reduction in the length of proposed parking stalls by one foot, is appropriate due to the size of the lot, and the location of the existing structures on the site. (30-19(g)(1) and (2), 30-19(m))
- The specific site is an appropriate location to allow parking in the setbacks, as it is the last lot on a dead end private way. The proposed parking stalls are not adjacent to residential properties. (§30-24(d)(1))
- The proposed parking stalls as developed and operated will not adversely affect the neighborhood. (§30-24(d)(2))
- There will be no nuisance or serious hazard to vehicles or pedestrians (§30-24(d)(3))

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The site is located on Nevada Street, which is a dirt dead end private way off of Watertown Street that is shared by four other lots. The land uses to the northwest of the site on Watertown Street include a mix of residential and commercial uses, and the land use to the northeast is Pellegrini Park (**ATTACHMENT A**). The site and surrounding residential uses are mostly zoned Multi Residence 1, the commercial uses on Watertown Street are zoned Business 2 and Manufacturing, and the park is zoned as Open Space (**ATTACHMENT B**).

### B. Site

The site consists of a 7,140 square foot lot improved with a two-story, two-family residential structure, with two side-by-side parking spaces in front of the dwelling and a yard in the rear. The site slopes down from the dwelling to the side property line bordering the park and from the rear of the dwelling to the rear of the site.



## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The site will remain a two-family dwelling.

### B. Building and Site Design

The petitioner is proposing to add two tandem parking stalls next to the dwelling in a sloped grassy area. The surface of the stalls will consist of grass pavers or regular pavers. To create level parking stalls the petitioner will need to cut and fill in the proposed parking area, and construct a short retaining wall of three feet or less.

The petitioner plans to maintain a slope from the front of the property line down towards the rear, which should ensure that drainage flows away from the private way and the adjacent park. The Planning Department notes that the petitioner's final grading plans will be reviewed during the building permit process. The Planning Department does not have any concerns with the location of the proposed parking stalls or the proposed re-grading.

C. Parking

There are currently two parking stalls on the site, where four stalls would be required for a two-family dwelling. Considering the physical constraints of parking on the private way, particularly during winter months, the Planning Department believes that adding an additional two parking stalls on the site is a reasonable request.

D. Landscape Screening

Based on staff's site visit, the Planning Department does not believe that additional landscaping is necessary to screen the proposed parking stalls.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- §30-19(g)(1), §30-19(m), to allow four parking stalls in the front setback, two of which will be in the side setback as well.
- §30-19(g)(2), §30-19(m), to allow undersized parking stalls.

B. Engineering Review

As the petitioner is not increasing the impervious surfaces on the lot by more than 400 square feet no formal engineering review is required. The petitioner should re-grade the proposed parking area to slope down towards the rear of the site, so that runoff is not directed into the private way or the adjacent park. The Planning Department encourages the petitioner to utilize grass pavers or other permeable surfaces for the parking area.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum

# Land Use Map






## 358-360

### Nevada Street

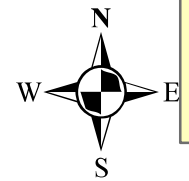
*City of Newton, Massachusetts*

#### Legend

#### Land Use

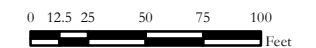
-  Single Family Residential
-  Multi-Family Residential
-  Industrial
-  Mixed Use
-  Open Space

**ATTACHMENT A**

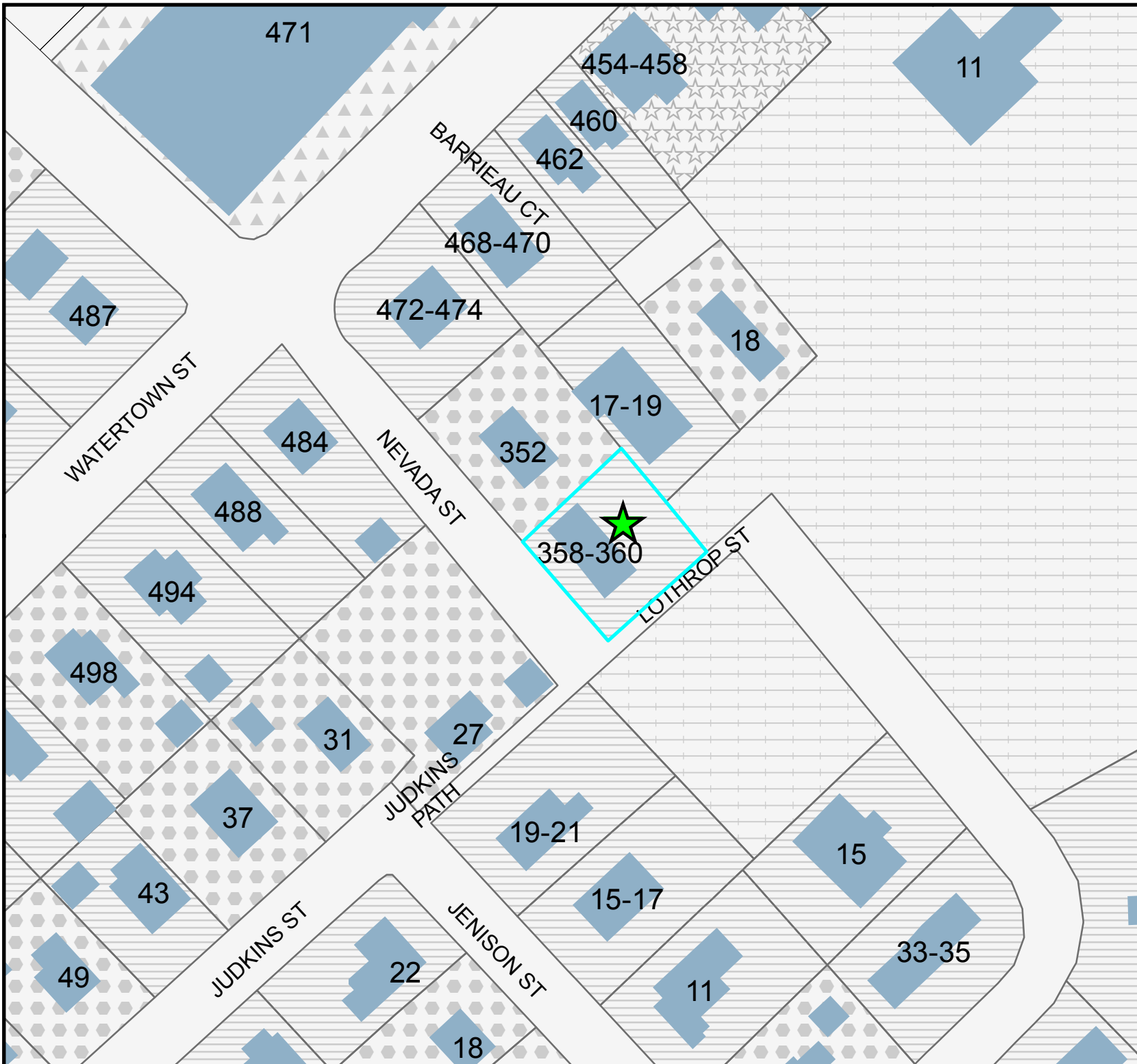


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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 Mayor - Setti D. Warren  
 GIS Administrator - Douglas Greenfield



Map Date: November 11, 2014



# Zoning Map





## 358-360

### Nevada Street

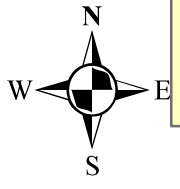
*City of Newton, Massachusetts*

**Legend**

**Zoning**

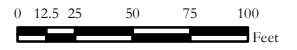
-  Multi-Residence 1
-  Business 2
-  Manufacturing
-  Public Use

**ATTACHMENT B**

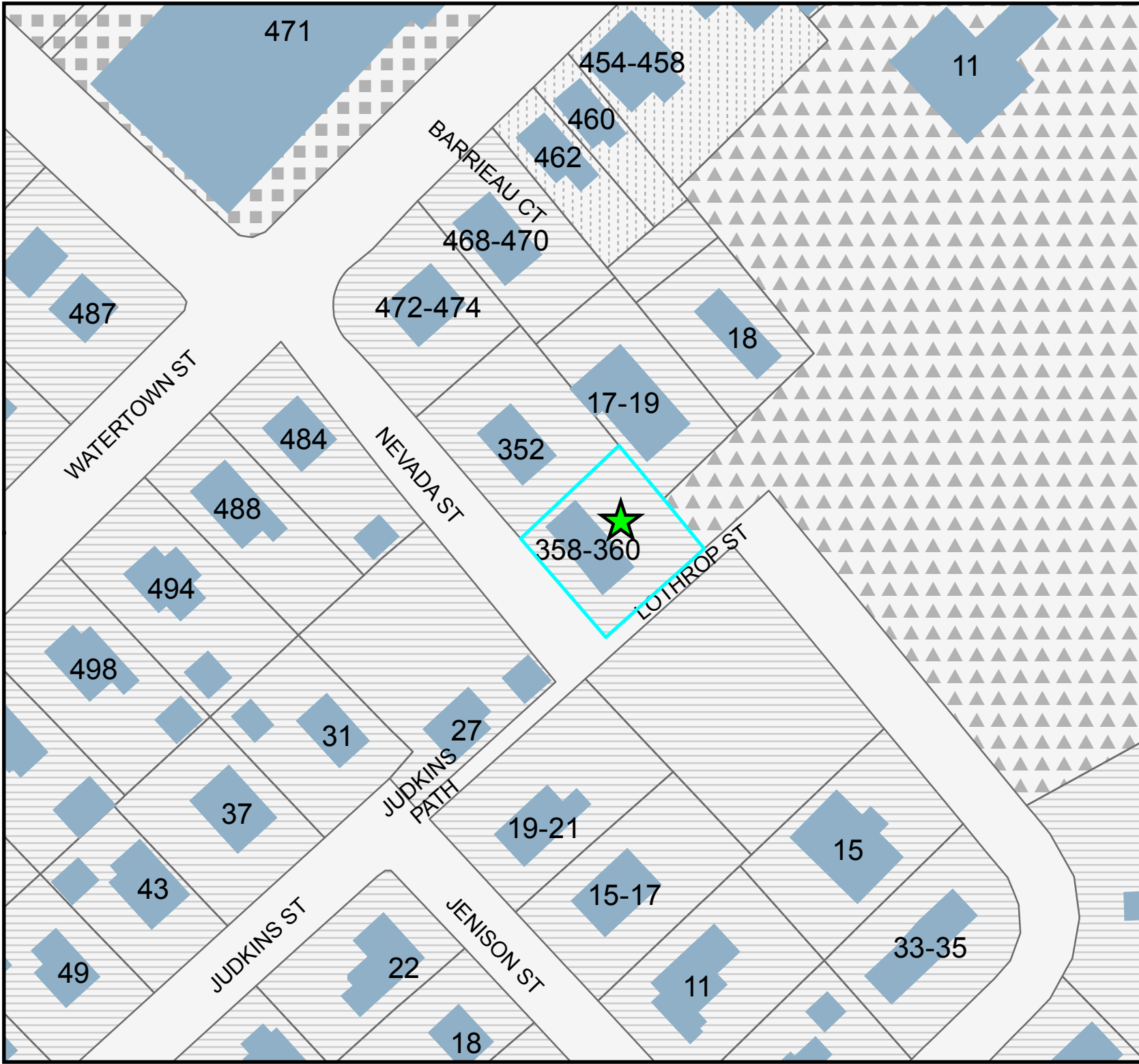


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Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: April 14, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Henry Delicata, applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to create two parking stalls in the front and side setbacks**

Applicant: Henry Delicata	
Site: 358-360 Nevada Street	SBL: 14016 0044
Zoning: MR1	Lot Area: 7,140 square feet
Current use: Two-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 358-360 Nevada Street consists of a 7,140 square foot lot improved with a two-family residence. The structure was built as a single-family residence in 1951, and converted to a two-family dwelling in 1972. There is currently two off-street parking stalls on the property which are for the exclusive use of the tenants in 358 Nevada Street. The applicants are proposing to create two tandem parking stalls on the right side of the structure to serve 360 Nevada Street. Both stalls will be within (entirely or partially) the front and side setbacks and require a special permit.

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

- Zoning Review Application, prepared by Henry Delicata, applicant, submitted 3/3/2014
- Site Plan, signed and stamped by George C. Collins, surveyor, dated 6/13/2013



**ADMINISTRATIVE DETERMINATIONS:**

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1. The applicant proposes to construct two tandem parking stalls on the right side of the dwelling. Both stalls will be 2.1 feet from the side lot line. One stall will be entirely within the front setback, and the second stall will be partially located in the front setback. Further, the existing stalls serving 358 Nevada are both located within the front setback. A special permit per Section 30-19(g)(1) is required to allow parking in the front setback. While Section 30-19(d)(1) allows for parking for a two-family dwelling to be within the sideyard setback, Section 30-19(g)(1) allows for only one stall in a required setback. Given the contradiction, the applicant should seek a special permit from Section 30-19(g)(1) to ensure compliance.
2. The two existing stalls are not dimensionally compliant in both width and length. To legitimize the existing parking dimensions requires a special permit per Section 30-19(g)(2).

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	7,140 square feet	No change
Frontage	70 feet	85 feet	No change
Setbacks for existing structure			
• Front	25 feet	<b>16.55 feet</b>	No change
• Side	7.5 feet	8 feet	No change
• Rear	15 feet	+/- 40 feet	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
§30-19(g)(1), 30-19(m)	Allow four parking stalls in the front setback, two of which will be in the side setback as well.	S.P. per §30-24
§30-19(g)(2), 30-19(m)	Allow undersized parking stalls	S.P. per §30-24