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Mayor

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#131-17

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 6, 2017
Land Use Action Date: August 8, 2017
City Council Action Date: August 21, 2017
90-Day Expiration Date: September 4, 2017

DATE: June 2, 2017

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #131-17**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking within five feet of a street at **54 Lakewood Road**, Ward 6, Newton Highlands, on land known as SBL 52, 18, 02 containing approximately 4,145 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. §5.1.7.A, and §5.1.13 and §7.3.3, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing that the Land Use Committee of the City Council can consider at a subsequent working session.



54 Lakewood Road

EXECUTIVE SUMMARY

The property located at 54 Lakewood Road consists of a 4,145 square foot lot and is improved with an American Foursquare 2.5-story residence circa 1911. The property is located in the Single Residence 2 (SR-2) zone in Newton Highlands. The petitioner is seeking to install a curb cut within the front setback to allow for a 19 foot long parking stall. The Newton Zoning Ordinance (NZO) allows parking in the front setback, but requires such stalls to be setback a minimum of five feet from a street. The proposed stall does not meet this distance; therefore, the petitioner seeks a special permit to allow parking within five feet of a street.

The Planning Department has reservations regarding the proposed parking stall within five feet of the street. Staff recognizes that the stall meets the dimensions of the NZO, but there is little room between the end of the stall and the sidewalk. Staff has concerns that this may present a condition where a large vehicle may encroach upon the sidewalk thereby restricting pedestrian access. Staff suggests the petitioner consider alternatives to the retaining wall, if possible.

SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The site is an appropriate location for parking within five feet of a street. (§7.3.3.C.1)
- The proposed parking stall will not adversely affect the neighborhood (§7.3.3.C.2).
- The proposed parking stall will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
- Whether literal compliance with the requirement that parking stalls shall not be located within five feet of a street 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 (§5.1.7.A and §5.1.13).

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Lakewood Road in the SR-2 zone in Newton Highlands. The SR-2 zone encapsulates the immediate area and surrounding neighborhood. As such, the neighborhood is comprised entirely of single family uses with the exception of two nonprofit uses (**Attachments A & B**).

B. Site

The site consists of 2.5-story single-family residence circa 1911. The dwelling is an example of American Foursquare architecture with a farmer's porch. There is a

slight berm at the front of the property which adds to the structure's presence on the streetscape. In conjunction to this berm, a retaining wall has been constructed which runs approximately 35 feet long and 3 feet tall in the front setback. Currently, there is only one parking stall on site which is at the rear of the structure. This stall is accessed via a shared bituminous right of way with the neighbor at 50 Lakewood Road. There is also an approximately 150 square foot deck attached to the rear of the structure.

II. PROJECT DESCRIPTION AND ANALYSIS

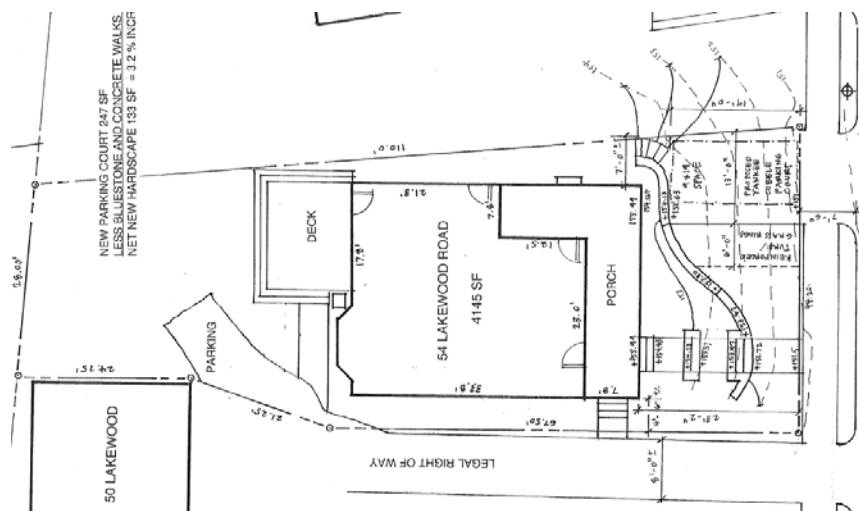
A. Land Use

The principal use of the site is and will remain a single-family residence.

B. Building and Site Design

The petitioner is not proposing any changes to the structure on site. However, the petitioner intends to install a 13-foot wide curb cut at the front of the property to allow for the creation of one parking stall in the front setback; the proposed stall will be constructed out of cobblestone.

The Planning Department notes that the stall dimensions are compliant with the NZO, but due to the presence of the retaining wall, the stall will be located less than five feet from the street. Staff also notes that there are similar conditions in the neighborhood where parking is located in the front setback, however in those instances; the stalls are not within five feet of the street. Staff has reservations as the stall is located right up against the sidewalk and this may present a condition where a large vehicle may encroach upon the sidewalk and restrict pedestrian access. Staff suggests the petitioner consider alternatives to the retaining wall to allow for a greater buffer from the street.



C. Landscaping and Screening

The petitioner is proposing a mix of trees, grasses, and groundcover for the front yard. As such, the staff has no concerns with the level or types of plantings.

III. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment D**). Based on the Memorandum, the petitioner is seeking the following relief:

- §5.1.7.A and §5.1.13 of Section 30, to allow parking within five feet of a street.

B. Engineering Review

No Engineering review is required at this time. This petition will be reviewed for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit, should this project be approved.

IV. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.






ATTACHMENTS:

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

Attachment A Zoning Map Lakewood Rd., 54

*City of Newton,
Massachusetts*

Legend

-  Single Residence 2
-  Public Use
-  Building Outlines
-  Surface Water
-  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

0 50 100
Feet

Map Date: May 25, 2017










Attachment B Land Use Map Lakewood Rd., 54

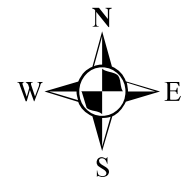
*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Nonprofit Organizations
-  Building Outlines
-  Surface Water
-  Property Boundaries



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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0 50 100
Feet

Map Date: May 25, 2017





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Mayor

Attachment C

City of Newton, Massachusetts
Department of Planning and Development

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: April 27, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Susan Sangiolo, Landscape Architect
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow one parking stall within five feet of the street

Applicant: Caroline Genco	
Site: 54 Lakewood Road	SBL: 52018 0002
Zoning: SR2	Lot Area: 4,145 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 54 Lakewood Road is located in the SR2 district and is improved with a single-family dwelling constructed circa 1911. The 4,145 square foot lot has only 45 feet of frontage, narrowing at the back to about 30 feet. The applicant currently parks at the rear of the property at an angle, gaining access by a driveway right of way over the abutting property. The applicant is seeking a special permit to allow for the creation of one cobblestone parking stall in front of the dwelling, located within five feet of the street. Pursuant to Section 5.1.7.A, a special permit is required to have parking within five feet of the street.

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

- Zoning Review Application, prepared by Susan Sangiolo, Landscape Architect, dated 4/26/2017
- Mortgage Inspection Plan, signed and stamped by James Abely, surveyor, dated 6/4/1990
- Site Plan, signed and stamped by Frank Iebba, surveyor, dated 4/3/2017
- Existing and Proposed Conditions Plan, signed and stamped by Susan Sangiolo, Landscape Architect, dated 4/25/2017
- Proposed Conditions Rendering

ADMINISTRATIVE DETERMINATIONS:

1. Section 5.7.1.A allows one parking stall within the front setback, and two within the side, but prohibits parking within five feet of the street without a special permit. The lot has 45 feet of frontage, and gains access to the rear of the property over an easement on the abutting property. The lot narrows as it goes back from the street, to 28 feet wide at the back lot line. The existing single family dwelling is set back 23.2 feet from the street and is approximately 30 feet wide, leaving about five feet on either side, neither of which is wide enough to allow passage of a vehicle to a potential parking area behind the house. The applicant requests a special permit to allow for a parking stall in front of the dwelling within five feet of the street, per Section 5.7.1.A.

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§5.1.7.A	To allow parking within five feet of a street	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Twelve sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

CITY OF NEWTON

IN CITY COUNCIL

June 19, 2017

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 a SPECIAL PERMIT/SITE PLAN APPROVAL for the creation of one parking stall within five feet of the street, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The site is an appropriate location for one parking stall located within five feet of the street (§7.3.3.C.1).
2. The proposed parking stall will not adversely affect the neighborhood (§7.3.3.C.2).
3. The proposed parking stall will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
5. Literal compliance with the requirement that no parking stall be located within five feet of a street (§5.1.7.A) is impracticable due to the size, width, depth, and shape of the lot, and an exception to the requirement would be in the public interest as it would allow for the provision of off-street parking for the residents of the property (§5.1.13).

PETITION NUMBER: #131-17

PETITIONER: Caroline Genco

LOCATION: 54 Lakewood Road, on land known as Section 52, Block 18, Lot 02, containing approximately 4,145 square feet of land

OWNER: Caroline Genco

ADDRESS OF OWNER: 54 Lakewood Road
Newton, MA 02461

TO BE USED FOR: One parking stall within five feet of a street

CONSTRUCTION: Cobblestone

EXPLANATORY NOTES: §5.1.7.A, §5.1.13 for a parking stall to be located within five feet of a street

ZONING: Single Residence 2 (SR-2) district

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. A plan entitled "The Genco Residence," stamped and signed by Susan E. Sangiolo, Registered Landscape Architect, dated April 27, 2017.
2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the improvements covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered land surveyor or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.