



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

Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: June 16, 2017
MEETING DATE: June 22, 2017
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Senior Planner
CC: Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #131-17 **54 Lakewood Road**

Request for Special Permit/Site Plan Approval to allow a parking stall within five feet of a street.

The Land Use Committee opened the public hearing on this petition on Tuesday, June 6, 2017 and closed the public hearing. At the hearing, the Committee voiced concern over whether the parking stall would encroach upon the sidewalk. In particular, the Committee asked staff to investigate alternatives to a recently installed retaining wall which would allow a greater buffer from the sidewalk.

The Planning Department reached out to the Engineering Division of Public Works and learned that due to the slope of the front yard, and the small space to work with between the proposed stall and the porch, a retaining wall is necessary to hold the grade and allow for the stall to be created. However, an alternative to the existing retaining wall, as exhibited by an abutter, is to dig out along the front of the porch and construct a retaining wall in line with the existing porch footings. This would require the removal of much of the existing wall as well as digging new footings an additional four feet below grade. This alternative may require a special permit to allow a retaining wall of four feet in the front setback and would still require a special permit to allow a parking stall within five feet of a street; however, such an alternative would result in more of a buffer between the end of the stall and the sidewalk.

Additionally, a member of the public raised the issue of parking in a setback and the nonconforming nature of the structure. The proposed stall is located within the front setback; however per Section

5.1.7.A of the Newton Zoning Ordinance (NZO), parking is allowed within the front, side, and rear setback distances in conjunction to single and two-family homes. Lastly, the structure does have nonconforming side setbacks, but the NZO allows alterations to nonconforming structures by-right as long as the nonconformity (side setback) is not part of the project scope.

ATTACHMENTS:

Attachment A: Draft Council Order

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 as it is a Single Residence 2 district and parking is allowed within the front setback the single family home (§7.3.3.C.1).
2. The proposed parking stall will not adversely affect the neighborhood as the stall meets the dimensions of parking stall of the Newton Zoning Ordinance (§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 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 resident 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.