



#8-21

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**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: January 26, 2021  
Land Use Action Date: April 13, 2021  
City Council Action Date: April 19, 2021  
90-Day Expiration Date: April 25, 2021

DATE: January 22, 2021

TO: City Council

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

SUBJECT: **Petition #08-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a semicircular driveway with two parking stalls within the front setback at 141 Waban Hill Road, Ward 7, Chestnut Hill, on land known as Section 63 Block 04 Lot 37, containing approximately 10,505 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



**141 Waban Hill Road North**

## EXECUTIVE SUMMARY

The property located at 141 Waban Hill Road North contains a 10,505 square foot lot in the Single Residence 2 (SR-2) zone in Chestnut Hill. The lot is improved with a single-family residence constructed circa 1955. The petitioners are seeking to remove the existing driveway and construct a semicircular driveway at the front of the site. While the existing driveway within the front setback accommodates two vehicles, the change in driveway configuration requires a special permit to allow parking within the front setback. As of right, only one vehicle can be parked within the front setback, the special permit is to allow an additional vehicle to be parked within the front setback.

The Planning Department is unconcerned with the proposed semicircular driveway that would allow an additional vehicle to be parked within the front setback. There is a steep grade change from the front to the rear of the lot, and the slope of the lot is such that parking is best accommodated at the front of the site, as with many properties on the western side of Waban Hill Road.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed additional parking stall within the front setback. (§5.1.7.A, §5.1.13, §7.3.3.C.1.)
- The additional parking stall within the front setback will adversely affect the neighborhood. (§5.1.7.A, §5.1.13, §7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§5.1.7.A, §5.1.13, §7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.1.7.A, §5.1.13, §7.3.3.C.4)
- Literal compliance with the parking requirements 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, §5.1.13).

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

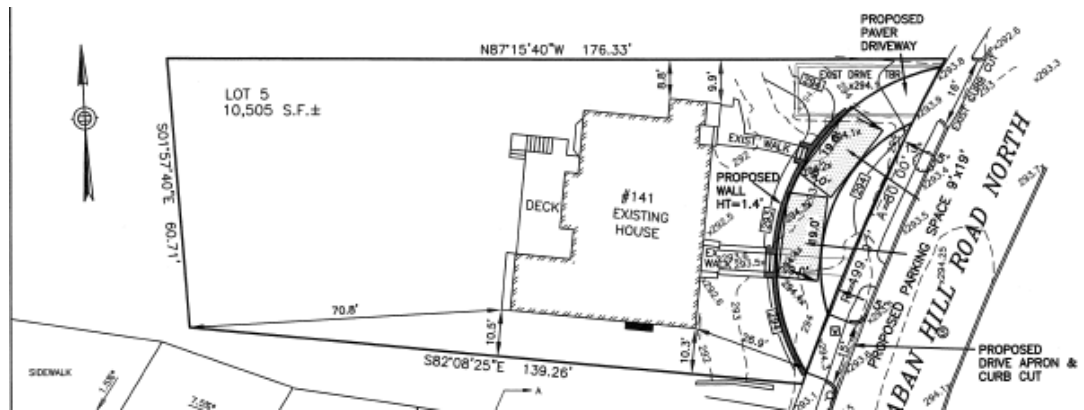
The subject property is located on Waban Hill Road North within the SR-2 zone in Chestnut Hill. While the SR-2 zone encompasses the western side of Waban Hill Road, there is a public use zone to the east (**Attachment A**). The land use of the

properties in the neighborhood is all single family residential, with the Newton Reservoir directly across the street (**Attachment B**).

B. Site

The site consists of 10,505 square feet of land and is improved with a single-family dwelling. The lot is served by one curb cut providing access to a driveway within the front setback that can accommodate two vehicles at the northern property boundary. There is a steep downward slope from the front to the rear of the lot of approximately 25 feet.

Proposed Site Plan



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building and Site Design

While there are no changes proposed to the dwelling, the petitioners are proposing to construct a semicircular driveway within the front setback.

C. Parking and Circulation

The petitioners are seeking to remove the existing driveway at the northeast corner and construct a semicircular driveway in front of the dwelling. The configuration would allow for two parking stalls within the front setback, where only one is allowed as of right. The petitioners are proposing a 16-foot-wide curb cut at the northeast corner of the site, and a 15-foot-wide curb cut at the southeast corner.

The Planning Department is unconcerned with the proposed driveway that would allow

an additional vehicle to be parked within the front setback. The current driveway configuration already accommodates two vehicles in the front setback. The slope of the lot is such that parking is best accommodated at the front of the site, as with many properties on the western side of Waban Hill Road North.

D. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §5.1.7A, §5.1.13, and §7.3.3 of Section 30, to allow parking within the front setback

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

This petition does not meet the minimum threshold for Newton Historical Commission review.

V. 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, dated November 12, 2020  
**Attachment D:** DRAFT Council Order



# ATTACHMENT A

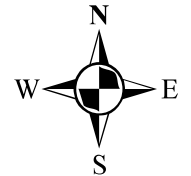
## Zoning

141 Waban Hill Road

*City of Newton,  
Massachusetts*

## Zoning

-  Single Residence 2
-  Public Use

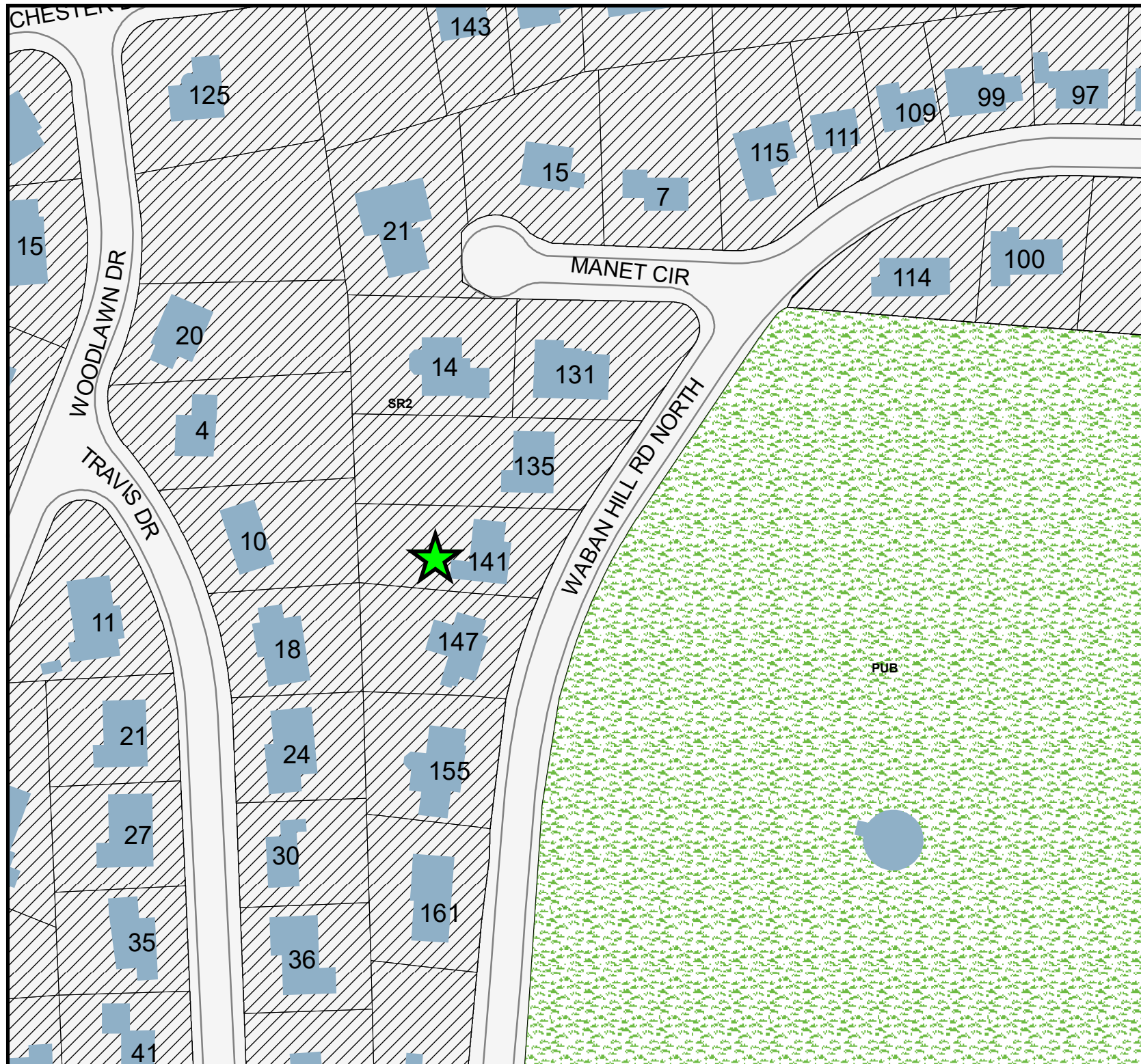


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125  
Feet

Map Date: January 19, 2021





# ATTACHMENT B





## Land Use

### 141 Waban Hill Road

*City of Newton,  
Massachusetts*

#### Land Use

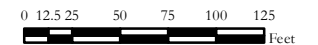
#### Land Use

-  Single Family Residential
-  Mixed Use
-  Open Space
-  Vacant Land

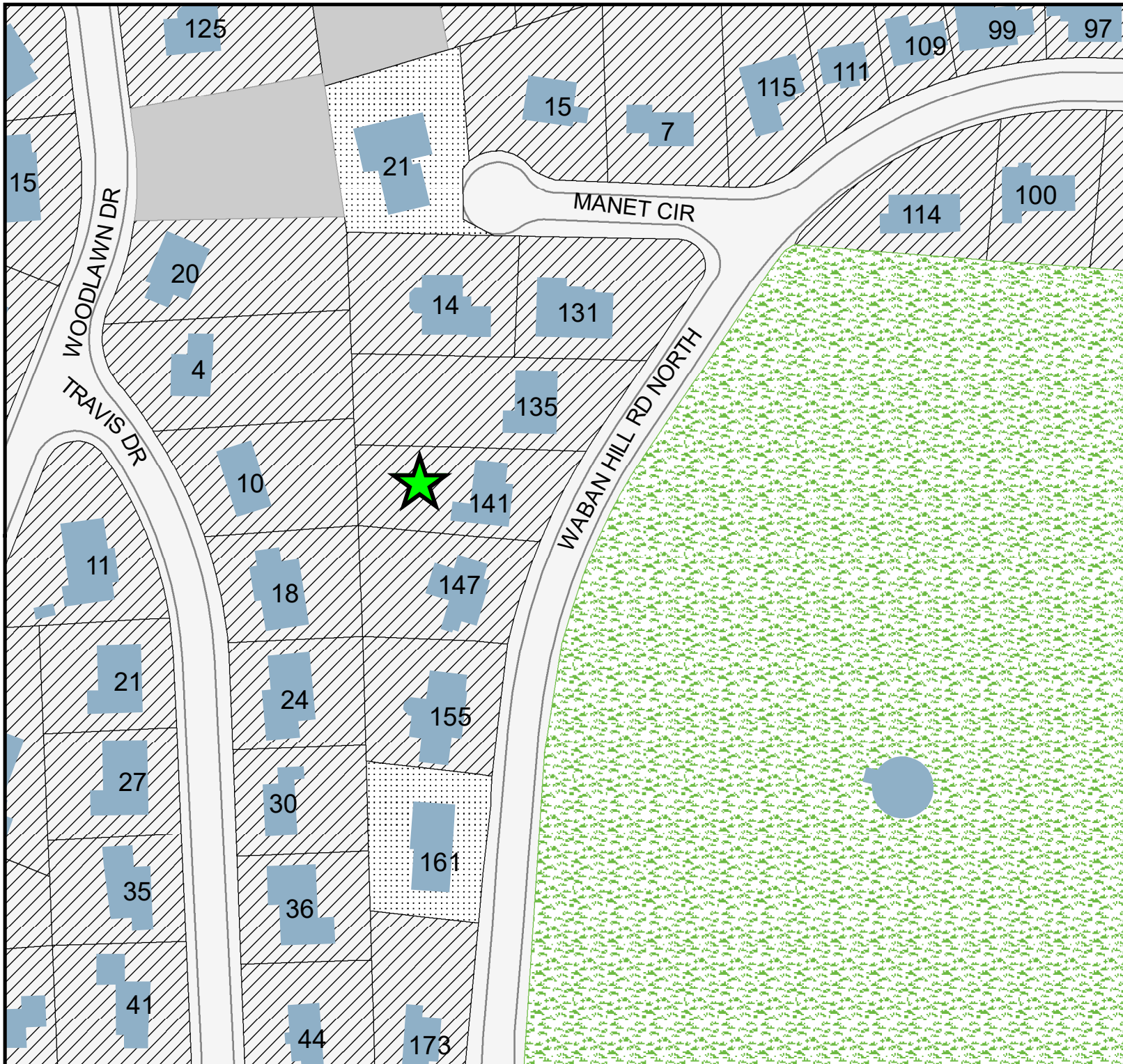


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CITY OF NEWTON, MASSACHUSETTS  
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Map Date: January 19, 2021





**Ruthanne Fuller**  
Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: November 12, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: Miriam and Sheldon Rosenblum, Applicants  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: **Request to allow parking in the front setback**

### Applicant: Miriam & Sheldon Rosenblum

<b>Site:</b> 141 Waban Hill Road	<b>SBL:</b> 63004 0037
<b>Zoning:</b> SR2	<b>Lot Area:</b> 10,505 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 141 Waban Hill Road consists of a 10,505 square foot lot improved with a single-family residence built circa 1955 on an old lot. The petitioners propose to remove an existing asphalt parking area and install a semi-circular driveway.

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

- Zoning Review Application, prepared Miriam Rosenblum, applicant, submitted 9/14/2020
- Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 9/10/2020

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner intends to remove the existing paved parking area and construct a semi-circular driveway. The driveway can accommodate two dimensionally-compliant parking stalls, however the stalls will be located within the front setback. Per section 5.1.7.A, only one stall may be located within the front setback. A special permit is required per section 5.1.13 to allow for parking within the front setback.

<b>SR2 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	10,000 square feet	10,505 square feet	No change
Frontage	100 feet	80 feet	No change
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 7.5 feet 15 feet	26.9 feet 8.8 feet 70.8 feet	No change No change 69.9 feet
Max Lot Coverage	30%	15.8%	No change
Min. Open Space	50%	78%	75%

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.7.A §5.1.13	Request to allow parking within the front setback	S.P. per §7.3.3



CITY OF NEWTON  
IN CITY COUNCIL

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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow two parking stalls within the front setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof.

1. The site is an appropriate location for the proposed additional parking stall within the front setback due to the steep grade change from the front to the rear of the site and the site features that condition parking within the front setback. (§5.1.7.A, §5.1.13, §7.3.3.C.1.)
2. The additional parking stall within the front setback will not adversely affect the neighborhood because many properties on Waban Hill Road north feature parking within the front setback. (§5.1.7.A, §5.1.13, §7.3.3.C.2.)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because proposed configuration increases the distance between vehicles and the sidewalk. (§5.1.7.A, §5.1.13, §7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the driveway can accommodate two parking stalls that meet the dimensional standards of the zoning ordinance. (§5.1.7.A, §5.1.13, §7.3.3.C.4)
5. Literal compliance with the parking requirements is impracticable due to the steep grade change from the front to the rear of the lot. (§5.1.7.A, §5.1.13).

PETITION NUMBER: #8-21

PETITIONERS: Sheldon Benjamin and Miriam Rosenblum

LOCATION: 141 Waban Hill Road North, on land known as Section 63, Block 4, Lot 37, containing approximately 10,505 square feet of land

OWNER: Sheldon Benjamin and Miriam Rosenblum

ADDRESS OF OWNER: 141 Waban Hill Road North  
Newton, MA 02467

TO BE USED FOR: Driveway

CONSTRUCTION: Pavers

EXPLANATORY NOTES: §5.1.7.A, §5.1.13, and §7.3.3 to allow parking within the front setback

ZONING: Single Residence 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. Plan of Land in Newton, MA - 141 Waban Hill Road North Proposed Driveway, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated September 10, 2020.
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - a. Recorded a certified copy of this council order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded council 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.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a Professional Land Surveyor certifying compliance with Condition #1.

- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a Professional Land Surveyor.

DRAFT