



**Ruthanne Fuller**  
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

## ZONING REVIEW MEMORANDUM

Date: February 24, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Dennis Cameron, Applicant  
Terrence Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

**RE: Request to amend Special Permit #566-18 to maintain the office use and waive four parking stalls**

Applicant: Dennis Cameron	
<b>Site:</b> 424-432 Cherry Street	<b>SBL:</b> 33011 0002
<b>Zoning:</b> BU1	<b>Lot Area:</b> 14,204 square feet
<b>Current use:</b> Office	<b>Proposed use:</b> office and 3-unit multi-family dwelling in two structures

### BACKGROUND:

The property located at 424-432 Cherry Street consists of a 14,804 square foot lot improved with a commercial building originally constructed as a single-family dwelling circa 1716. The parcel is located in the BU1 zoning district at the corner of Cherry and Webster Streets. The petitioner received Special Permit #566-18 in 2018 to reconfigure the building to accommodate six dwelling units, and to construct a second building with three dwelling units, for a total of nine. The petitioner seeks to amend the special permit to maintain the office use in the existing building.

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

- Zoning Review Application, prepared by Terrence Morris, attorney, submitted 12/29/2021
- Existing Conditions Site Plan, prepared by Everett M. Brooks, surveyor, dated 4/3/2018
- Proposed Conditions Site Plan, prepared by Everett M. Brooks, surveyor, dated 4/3/2018

- Architectural Plans and Elevations, signed and stamped by Ronald Jarek, dated 1/7/2020

**ADMINISTRATIVE DETERMINATIONS:**

---

1. The petitioner seeks to amend Special Permit #566-18 to retain the office use in the existing structure. The petitioner still intends to construct the three-unit multi-family dwelling approved by the special permit. The petitioner proposes to add one parking stall to the approved site plan but intends to maintain the dimensional waivers granted for driveway width, reduced parking requirement for the residential units, aisle and stall width, as well as lighting and perimeter landscape screening.
2. Per section 5.1.4, a business office requires one stall per every 250 square feet requiring a total of 16 stalls for the existing 3,960 square feet of office space. The proposed three-unit multi-family dwelling requires 1.25 stalls per unit per the existing special permit, for a total of four stalls. The combined office and residential uses will require a total of 20 parking stalls. The petitioner intends to construct three garage stalls in the basement of the multi-family dwelling, as well as 12 surface stalls for a total of 15 parking stalls to be available on site. Per section 5.1.3.B, whenever there is a change in use from one to another, the parking requirements must be complied with the formula:

A-B+C=Required number of stalls where

“A” is the number of stalls required for the proposed use (20);

“B” is the number of stalls required for the existing use (16) and;

“C” is the number of stalls physically available (15).

The total number of additional stalls required utilizing  $A(20) - B(16) + C(15)$  is 4. A waiver of four stalls is required per sections 5.1.3.B, 5.1.4 and 5.1.13.

3.

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Special Permit #566-18	S.P. per §7.3.3
§5.1.3.B §5.1.4 §5.1.13	Request to waive four parking stalls	S.P. per §7.3.3